

## Chapter 19.50

### F-1 – FLOODWAY ZONE

#### Sections:

- 19.50.010 Purpose and intent.
- 19.50.020 Definitions.
- 19.50.030 Established – Regulations generally.
- 19.50.040 Uses – Permitted with conditional use permit – Prohibited when.
- 19.50.050 Uses – Standards required to be met prior to issuance of permit.

#### **19.50.010 Purpose and intent.**

It is the purpose of the city council in establishing the F-1 zoning restrictions, for use in areas subject to floods and inundation, to provide land use regulations to be applied on a uniform basis to such properties based upon documented and factual data from flood experience and engineering studies of possible and probable future flooding conditions, so as to prevent property damage and safeguard the health, safety and general welfare of the people. This zoning is intended to be applied to those areas which, by virtue of existing or potential construction of buildings and structures therein, or in surrounding areas, have or will have in the future the effect of creating aggravated flooding situations which theretofore, in their undeveloped state, did not constitute dangers to the public health, safety or general welfare. These zones are further intended to provide such safeguards until such time as flood protective or control works in the nature of channels or levees have been constructed so as to minimize such danger in the outlying or fringe floodway areas. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.525(A)).

#### **19.50.020 Definitions.**

As used in this chapter, unless otherwise prescribed by the context, the following meanings shall apply:

A. “Designated floodway” means an area consisting of the channel of a stream and/or that portion of the adjoining floodplain which would serve both to adequately accommodate floodwaters to be expected at frequent intervals in periods of heavy rainfall, and which would be required to reasonably provide for the construction of flood control projects for the passage of design flood by means of flood control channels, and including the lands necessary for the construction of project levees.

B. “Design flood” means the selected flood against which protection is provided, or eventually

will be provided, by means of flood protective or control works. When a federal survey has been authorized, the design flood will be determined by the appropriate federal agency and in all other cases it will be determined by the director of public works. It shall be the basis for design and operation of a particular project after full consideration of flood characteristics, frequencies and potentials, and economic and other practical considerations.

C. “Floodproof structure” is any structure which, in the opinion of the director of public works, is designed and constructed to resist flotation, destruction or major damage by the maximum flood predicted for the structure site by the U.S. Army Corps of Engineers or the director of public works.

D. “Restrictive zone” means the portion of the floodway in its natural state or as modified by grading and fill, delineated by the flood level to be expected in a storm of 100-year intensity, constituting the overflow area from the designated floodway or the outlying or fringe area located between the limits of the designated floodway and the limits of the floodplain, where inundation which could endanger life, property and general welfare may occur, but where frequency of flooding and depths and velocities are generally low.

E. “Structure” as herein used does not include public utility facilities or electric, gas or communication lines lawfully present. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.525(B)).

#### **19.50.030 Established – Regulations generally.**

A designated floodway zone is established to preserve a natural channel or open area to meet the need to carry abnormal flows of water in times of flood; to confine periodic floods to reasonable limits; to limit and minimize the structural developments tending to obstruct and divert the natural or directed flow and curb encroachment of floodwaters into the restrictive zone, thus limiting flood heights and flood destruction; and to prevent loss of life and excessive damage to property in the area of greatest flood hazard. The F-1 zone shall be applied to those areas within the city conforming to the definition of the designated floodway as determined by the city council, based upon studies made by the U.S. Army Corps of Engineers or the director of public works. In the designated floodway zone, the regulations in CVMC 19.50.040 and 19.50.050 shall apply. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.525(C)).

**19.50.040 Uses – Permitted with conditional use permit – Prohibited when.**

No building or structure shall be constructed, erected, moved, converted, altered or enlarged in the designated floodway zone, nor shall any other condition be allowed which would tend to cause stream channel alteration, or affect the carrying capacity of a floodway or otherwise constitute a threat to life and property. The following uses are permitted subject to the approval of a conditional use permit as herein provided, containing such conditions as the planning commission may specify to protect the public interest:

A. Uses such as loading and unloading areas, parking lots and used car lots;

B. Open-type private and public recreational facilities such as parks, golf courses, air fields, athletic fields, and drive-in theaters;

C. Circuses, carnivals or other similar transient amusement enterprises;

D. Storage yards for equipment and material not subject to major damage by floodwaters;

E. The sale of food, refreshments and other commercial enterprises that would not require the construction of permanent structures;

F. Agricultural uses, including farming, grazing and livestock raising;

G. Any other use customarily accessory or incidental to the above uses, or uses of a similar nature which do not require the construction of permanent structures and which, in the opinion of the planning commission, conform to the intent and purpose of this zone. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.525(C)(1)).

**19.50.050 Uses – Standards required to be met prior to issuance of permit.**

Prior to the issuance of a conditional use permit for any of the uses authorized by this chapter, the plans for such use shall be submitted to the planning commission for review and approval or disapproval. In its review of plans submitted, the planning commission shall be guided by the following standards, keeping in mind that the purpose of this chapter is to prevent encroachment of floodwaters on adjacent properties as well as preventing undue increase in flood heights and danger to life and property within this zone:

A. Any use permitted shall be of a type not appreciably damaged by floodwaters; provided, that no structures for human occupation shall be permitted.

B. No fill shall be permitted.

C. On development lots, the percentage of lot occupied by the main structure at the time of the adoption of the ordinance codified in this title shall not be increased, and any new structure shall occupy not more than 10 percent of the lot.

D. Any structure permitted shall be floodproof and constructed and placed on the lot so as to offer the minimum obstruction to the flow of water, such as placing the structure with open ends parallel to the flow of water, rather than at right angles to such flow.

E. Any structure permitted shall be firmly anchored to prevent the structure from floating away and thus threatening to further restrict bridge openings and other restricted sections of the channel or open area.

F. Where, in the opinion of the planning commission, topographic data, engineering studies or other studies are needed to determine the effects of flooding on a proposed structure and/or the effect of the structure on the floodway, the planning commission may require the applicant to submit such data and/or studies prepared by competent engineers or other technical people.

G. The granting of such approval shall not constitute a representation, guarantee, or warranty of any kind or nature of the city or the planning commission, or by an officer or employee of either thereof, of the practicability or safety of any structure or other plan proposed, and shall create no liability upon, or a cause of action against, such public body, officer or employee for any damage that may result pursuant thereto. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.525 (C)(2)).

**Chapter 19.52****T – TIDELANDS ZONE**

## Sections:

- 19.52.010 Designated – Submerged land defined.  
19.52.020 Permitted uses – Approval required – Application – Planning commission and city council action.  
19.52.030 Accessory uses and buildings – Approval required – Standards required to be met – Notice of decision.  
19.52.040 Procedures following planning commission decision – Appeals.

**19.52.010 Designated – Submerged land defined.**

All tidelands and submerged lands within the boundaries of the city shall be designated as “tidelands” or T zone. “Tidelands” shall be deemed to be all the land between the ordinary high water mark and the pierhead line, per miscellaneous Map 399, recorded September 12, 1960. Submerged land shall be that land which is always covered by water. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.530).

**19.52.020 Permitted uses – Approval required – Application – Planning commission and city council action.**

A. The following uses, after review and approval by the planning commission and the city council, may be permitted in the T zone:

1. All uses permitted in the commercial zone consistent with the tidelands trust concerning commerce, fisheries and navigation;
2. Recreational uses such as marinas, parks, golf courses, small boat harbors, aquatic playground equipment and similar recreational facilities;
3. All industrial uses consistent with the tidelands trust concerning commerce, fisheries and navigation.

B. An application for approval shall be filed with the planning department in a manner prescribed by the planning commission and shall contain sufficient data and information to assure a full presentation of the proposed use and the type of improvements and structures to be constructed. The director of planning shall, at the earliest possible date, forward the application to the planning commission and thereafter to the city council. Failure of the planning commission and the city council to act on said application within 20 days of the submis-

sion date shall be deemed approval of the application as submitted. The planning commission and the city council may approve, conditionally approve, or disapprove such applications. No continuance or extension of time beyond the periods set forth herein shall be permitted except upon the stipulation of the applicant. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.530(A)).

**19.52.030 Accessory uses and buildings – Approval required – Standards required to be met – Notice of decision.**

Any use other than those set forth in CVMC 19.52.020 shall be permitted in a T zone only after the commission and council find that:

A. Such use will be consistent with the character and development of the city in this area;

B. Such use will not violate the trust purposes for which Chula Vista held the tidelands grant from the state of California;

C. Such use will not result in an unreasonable deprivation of the public’s right to the enjoyment of small boat harbors, marinas, aquatic playgrounds, and similar recreational facilities upon or about said tidelands or submerged lands;

D. Such use will not constitute a nuisance.

After decision by the planning commission and the council, written notice shall be made to the applicant of such decision. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.530(B)).

**19.52.040 Procedures following planning commission decision – Appeals.**

A. After decision by the planning commission, copies thereof shall be mailed to the applicant and to any party filing a written notice therefor with the secretary of the commission or the director of planning and building, and the application and any supporting documents, together with the written decision of the planning commission, shall be forwarded to the city clerk, who shall cause same to be placed upon the agenda of a regular meeting of the city council within 15 days after receipt thereof.

B. If the applicant or any other interested party is dissatisfied with the decision of the planning commission, such person may file a notice of appeal within 10 days from the date such notification of the planning commission’s decision was mailed to the applicant. Such notice of appeal shall be filed with the city clerk. Such appeal shall be in writing and shall state wherein the appellant feels the planning commission’s decision was in error, and his reasons therefor. (Ord. 2790, 1999; Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.530(C)).

**Chapter 19.54****UNCLASSIFIED USES**

## Sections:

- 19.54.010 Authorized when – Purpose of review.
- 19.54.020 Designated – Limitations and standards.
- 19.54.030 Yard requirements.
- 19.54.040 Height regulations.
- 19.54.050 Off-street parking and loading facilities.
- 19.54.060 Site plan and architectural approval.

**19.54.010 Authorized when – Purpose of review.**

A. All of the following, and all matters directly related thereto, are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in the various zones herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit; provided, however, that conditional use permits may not be granted for a use in a zone in which it is specifically excluded by the provisions of this title.

B. The purpose of this review shall be to determine that the characteristics of such use shall not be incompatible with the type of uses permitted in surrounding areas and for the further purpose of stipulating such conditions as may reasonably assure that the basic purposes of this title shall be served. Factors to be considered and the manner in which conditional use applications are to be processed shall be as set forth in CVMC 19.14.060, et seq. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.535).

**19.54.020 Designated – Limitations and standards.**

The following uses may be considered for location in any zone, subject to the provisions set forth herein, and additional conditions set forth in Chapter 19.58 CVMC (references indicated for uses):

- A. Borrow pits and quarries for rock, sand and gravel;
- B. Campgrounds: See CVMC 19.58.040;
- C. Cemeteries: See CVMC 19.58.080;
- D. Colleges, universities, private schools, and elementary and secondary public schools;
- E. Columbariums, crematoriums and mausoleums; provided, that these uses are specifically

excluded from all R zones unless inside of a cemetery: See CVMC 19.58.080;

F. Churches: See CVMC 19.58.110;

G. Dumps, public or private;

H. Hospitals, including, but not limited to, emergency, general, convalescent, rest homes, nursing homes (for the aged, crippled, and mentally retarded of all ages), psychiatric, etc.: See CVMC 19.58.110.

Further, approval shall not be granted until the following findings can be made (homes for mentally retarded children):

1. The size of the parcel to be used shall provide adequate light and air in proportion to the number of residents,

2. The location of windows and open play areas shall be so situated as to not adversely impact adjoining uses,

3. Spacing between these facilities shall be such that the character of the neighborhood is not affected by the grouping of these homes;

I. Mortuaries: See CVMC 19.58.080;

J. Establishments or enterprises involving large assemblages of people or automobiles, as follows; provided, that these uses shall be deemed to be generally undesirable in the R zones:

1. Airports and heliports: See CVMC 19.58.180,

2. Amusement parks and amusement enterprises: See CVMC 19.58.040,

3. Arenas: See CVMC 19.58.040,

4. Fairgrounds: See CVMC 19.58.040,

5. Museums,

6. Open air theaters, except drive-in theaters: See CVMC 19.58.120(B),

7. Race tracks and rodeos: See CVMC 19.58.040,

8. Recreational centers, commercially operated: See CVMC 19.58.040,

9. Stadiums,

10. Shooting clubs: See CVMC 19.58.290;

K. Golf courses: See CVMC 19.58.090;

L. Passenger stations for rail or bus travel;

M. Public and quasi-public uses;

N. Radio or television transmitters;

O. Trailers (commercial coaches): See CVMC 19.58.330;

P. Senior housing developments: See CVMC 19.58.390;

Q. Recreational vehicle storage yards: See CVMC 19.58.400;

R. Off-site advertising signs: See CVMC 19.60.050(E);

S. Water distribution facilities: See CVMC 19.58.420;

T. Certified farmers' markets: See CVMC 19.58.148;

U. Ambulance services: See CVMC 19.58.245.

Conditional use permit applications for the uses listed in this section shall be considered and approved by the following body or official. The zoning administrator shall approve all ambulance services uses. The planning commission shall approve campgrounds, recreational vehicle storage yards, churches, amusement arcades and centers, trailers (commercial coaches), water distribution facilities and borrow pits of not more than two acres. The city council, subsequent to its receipt of recommendations thereon from the planning commission, shall approve all other unclassified uses not mentioned in this paragraph. (Ord. 2958 § 1, 2004; Ord. 2921 § 2, 2003; Ord. 2449 § 1, 1991; Ord. 2296 § 6, 1989; Ord. 2169 § 1, 1986; Ord. 2075 § 3, 1984; Ord. 2054 § 1, 1983; Ord. 1878 § 2, 1979; Ord. 1711 § 1, 1976; Ord. 1697 § 1, 1976; Ord. 1626 §§ 1, 2, 1975; Ord. 1464 § 2, 1973; Ord. 1456 § 2, 1973; Ord. 1356 § 1, 1971; Ord. 1281 § 2, 1970; Ord. 1246 § 2, 1969; Ord. 1232 § 2, 1969; Ord. 1212 § 1, 1969; prior code § 33.535(A)).

#### **19.54.030 Yard requirements.**

The requirements for front, side, and rear yards applicable to the particular property and zone in which such use is proposed shall prevail unless, in the findings and conditions recited in the resolution dealing with each matter, specific exceptions, additions or modifications are made with respect thereto. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.535(B)).

#### **19.54.040 Height regulations.**

The requirements for building height limit applicable to the particular property and zone in which such use is proposed shall prevail unless, in the findings and conditions recited in the resolution dealing with each matter, specific exceptions, additions or modifications are made with respect thereto. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.535(C)).

#### **19.54.050 Off-street parking and loading facilities.**

Off-street parking and loading facilities for the specific use proposed shall be determined by the planning commission in the event such requirements are not enumerated in CVMC 19.62.010

through 19.62.140. (Ord. 1356 § 1, 1971; Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 3.535 (D)).

#### **19.54.060 Site plan and architectural approval.**

Site plan and architectural approval is required for all uses, as provided in CVMC 19.14.420 through 19.14.480. (Ord. 1281 § 2, 1970; Ord. 1212 § 1, 1969; prior code § 33.535(E)).

**Chapter 19.56****MODIFYING DISTRICTS**

## Sections:

- 19.56.010 Purpose.
- 19.56.020 D design control modifying district – Requirements.
- 19.56.030 S height of buildings (stories) modifying district – Yard size modifications for exceptions.
- 19.56.040 P precise plan modifying district – Purpose.
- 19.56.041 P precise plan modifying district – Application.
- 19.56.042 P precise plan modifying district – Required maps and information.
- 19.56.043 P precise plan modifying district – Plan review.
- 19.56.044 P precise plan modifying district – Exceptions.
- 19.56.045 P precise plan modifying district – Density.
- 19.56.046 P precise plan modifying district – Phasing.
- 19.56.047 P precise plan modifying district – Scope of planning commission and city council action.
- 19.56.048 P precise plan modifying district – Plan review of multiple-family dwellings and commercial or industrial projects.
- 19.56.100 E equestrian modifying district – Establishment procedures.
- 19.56.110 E equestrian modifying district – Minimum size.
- 19.56.120 E equestrian modifying district – Requirements and conditions.
- 19.56.130 PUD planned unit development modifying district – Purpose.
- 19.56.140 PUD planned unit development modifying district – Conditions required – Minimum area – Application.
- 19.56.150 PUD planned unit development modifying district – Documents required with application.
- 19.56.160 PUD planned unit development modifying district – Subdivision map required with application.
- 19.56.170 PUD planned unit development modifying district – Review – Conditions required.

- 19.56.180 PUD planned unit development modifying district – Density policy.
- 19.56.190 PUD planned unit development modifying district – Standards for residential developments.
- 19.56.200 PUD planned unit development modifying district – Principles to be considered.
- 19.56.210 H hillside modifying district – Established – Effect – Grading graph.
- 19.56.220 H hillside modifying district – Method for computing average natural slope – Uses excluded.
- 19.56.230 H hillside modifying district – Method for computing average natural slope – Formula.
- 19.56.240 H hillside modifying district – Open spaces – Location.
- 19.56.250 H hillside modifying district – Open spaces – Maintenance.
- 19.56.260 H hillside modifying district – Off-street parking – Parking bays permitted when.
- 19.56.270 H hillside modifying district – Information required for presubmission conference.
- 19.56.280 H hillside modifying district – Existing lots of record.
- 19.56.290 H hillside modifying district – Administrative procedures.

**19.56.010 Purpose.**

The purpose of the modifying districts included in this chapter is to permit special regulations to be invoked where appropriate or necessary in addition to the basic regulations otherwise set forth herein for the zones set forth in Chapters 19.20 through 19.54 CVMC. (Ord. 1212 § 1, 1969; prior code § 33.601(A)).

**19.56.020 D design control modifying district – Requirements.**

Whenever the D district is established on the zoning map of the city, the provisions of CVMC 19.14.420 through 19.14.480 relating to site plan and architectural approval shall apply to all uses within said D district, regardless of whether or not such approval is otherwise required for such use herein. (Ord. 1239 § 1, 1969; Ord. 1225 § 1, 1969; Ord. 1212 § 1, 1969; prior code § 33.601(A)(1)).

**19.56.030 S height of buildings (stories) modifying district – Yard size modifications for exceptions.**

A. Whenever the S modifying district is established on the zoning map of the city, no building shall be built higher than the number of stories specified after the S on said map, and said number of stories shall take precedence over any height requirement specified otherwise in the zone modified by this provision.

B. For any building permitted under this section to be built higher than otherwise permitted in the zone modified by this provision, side and rear yards shall be increased by six feet plus two additional feet per story for every story over three. (Ord. 1212 § 1, 1969; prior code § 33.601(A)(2)).

**19.56.040 P precise plan modifying district – Purpose.**

See also CVMC 19.12.120 and 19.14.570 through 19.14.580. The purpose of the P precise plan modifying district is to allow diversification in the spatial relationship of land uses, density, buildings, structures, landscaping and open spaces, as well as design review of architecture and signs through the adoption of specific conditions of approval for development of property in the city. Within the boundaries of the P district, the location, height, size and setbacks of buildings or structures, open spaces, signs and densities indicated on the precise plan shall take precedence over the otherwise applicable regulations of the underlying zone. (Ord. 1632 § 1, 1975; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.601(A)(3)).

**19.56.041 P precise plan modifying district – Application.**

The P modifying district may be applied to areas within the city only when one or more of the following circumstances is evident:

A. The subject property, or the neighborhood or area in which the property is located, is unique by virtue of topography, geological characteristics, access, configuration, traffic circulation or some social or historic situation requiring special handling of the development on a precise plan basis.

B. The property or area to which the P modifying district is applied is an area adjacent and contiguous to a zone allowing different land uses, and the development of a precise plan will allow the area so designated to coexist between land usages which might otherwise prove incompatible.

C. The basic or underlying zone regulations do not allow the property owner and/or the city appro-

priate control or flexibility needed to achieve an efficient and proper relationship among the uses allowed in the adjacent zones.

D. The area to which the P modifying district is applied consists of two or more properties under separate ownership wherein coordination regarding access, on-site circulation, site planning, building design and identification is necessary to enhance the public convenience, health, safety and general welfare. (Ord. 1632 § 2, 1975).

**19.56.042 P precise plan modifying district – Required maps and information.**

An application for approval of a precise plan shall be accompanied by a detailed dimensioned drawing of the project on a scale of sufficient size so as to readily indicate all dimensions of the various elements of the development. The required elements are as follows:

A. Legal description, legend, scale, north arrow, vicinity map, and identification of designer;

B. The boundary lines of subject property, fully dimensioned, together with the name and dimensions of adjoining streets;

C. Existing topography and proposed grading plan, showing slope, retaining walls, pad elevations, and percent of slope on streets, driveways and other graded areas;

D. Existing and proposed streets, utilities, and easements;

E. Access, pedestrian, vehicular and service; points of ingress and egress; with driveway locations and dimensions;

F. Loading and trash areas, walls and/or fences (including height);

G. Proposed location, height, and dimensions of buildings, including color and materials on all elevations. The floor area, number of stories, and number of units and bedrooms (when applicable) shall be given. Proposed uses shall be indicated including floor area devoted to each use;

H. Parking layout, including dimensions, number of stalls, and circulation flow;

I. Location, height, and size of signs proposed on the property;

J. All Landscaped Areas. Such areas shall be defined with a written proposal outlining the landscaping concept, as well as the proposed method of irrigation. In addition, all existing trees on the site shall be identified with a note as to proposed disposition;

K. Lighting, including the location, type and hooding devices to shield adjoining properties;

L. Location and design of recreational areas. (Ord. 1632 § 2, 1972).

**19.56.043 P precise plan modifying district – Plan review.**

Plans shall be reviewed by the planning commission with recommendations forwarded to the city council in accordance with the provisions of CVMC 19.14.570. (Ord. 1632 § 2, 1975).

**19.56.044 P precise plan modifying district – Exceptions.**

Exceptions to the code requirements of the underlying zone may be granted by the city council; provided, that these exceptions are so noted in the public hearing notice and findings are made as specified in CVMC 19.14.570. (Ord. 1632 § 2, 1975).

**19.56.045 P precise plan modifying district – Density.**

The P modifying district may be used to limit densities within the underlying zone range. However, densities may not be increased above the maximum range within the underlying zone. When the city council deems it necessary to establish a density limitation in conjunction with the P modifying district, the density established shall be expressed by a number following the P designator. The number assigned will represent the maximum number of dwelling units allowed per net acre of land. ("Net acreage" is the total land area remaining after dedication of a public right-of-way.) (Ord. 1632 § 2, 1975).

**19.56.046 P precise plan modifying district – Phasing.**

Precise plans may be submitted in phases for projects within the P district. However, the submission of the first phase must include all of the required submissions for site plan approval for that portion of the project included within the boundaries of Phase I. The submission of elevations and proposed building materials may be deferred in the first phase until specific architectural concepts are developed.

In addition, a skeletal plan of closely related future phases must be submitted and approved concurrent with the submittal of Phase I. Such skeletal plans shall indicate circulation, building locations, preliminary grading, areas devoted to landscaping, density, and parking.

The submission of each phase of the precise plan will require a new application and fee together with the required site plans. (Ord. 1632 § 2, 1975).

**19.56.047 P precise plan modifying district – Scope of planning commission and city council action.**

In carrying out this section the planning commission and city council shall consider the principles set forth in CVMC 19.14.470 (Site plan and architectural approval – Principles to be observed) appropriate to the review of a precise plan. (Ord. 1632 § 2, 1975).

**19.56.048 P precise plan modifying district – Plan review of multiple-family dwellings and commercial or industrial projects.**

Notwithstanding the provisions of CVMC 19.56.047, plans for multiple-family dwellings and commercial or industrial projects in areas governed by the P precise plan modifying district shall be reviewed by the design review committee, and shall be considered by the planning commission and the city council only upon appeal, pursuant to CVMC 19.14.583. (Ord. 1893 § 1, 1980; Ord. 1771 § 2, 1977).

**19.56.100 E equestrian modifying district – Establishment procedures.**

There is established a supplemental district designated as the E equestrian modifying district, which may be attached to any of the existing single-family residential or agricultural zones in the city. Said district may be formed or initiated by a petition signed by 66-2/3 percent of the property owners within the area proposed to be designated as an equestrian modifying district. Said petition shall be submitted to the planning commission, which shall proceed to hold public hearings in accordance with the provisions of this title for the rezoning of property. In addition, the establishment of such a district may be initiated by the planning commission or the city council and said district may from time to time have the boundaries thereof adjusted in accordance with the changed conditions.

The E equestrian modifying district shall be subject to the requirements and conditions set forth in CVMC 19.56.110 and 19.56.120. (Ord. 1364 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.601 (A)(5)).



**19.56.110 Equestrian modifying district – Minimum size.**

A horse-keeping district should be generally 20 acres or more in size and must be at least 15 acres in size including the area of all dedicated streets contained therein, and all lots or parcels of property contained within its boundaries shall be contiguous. The boundaries of said district shall be drawn so as to coincide as nearly as practicable with street alignments or other clearly discernible topographic features. (Ord. 1364 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.601(A)(5)(a)).

**19.56.120 Equestrian modifying district – Requirements and conditions.**

Upon the establishment of such E district, the following conditions shall apply:

A. The horse(s) must be maintained within an enclosure;

B. No stable or paddock shall be located within 15 feet of the owner's residence, nor closer than 50 feet from any neighbor's residence, school, church, or any other building used for human habitation on an adjoining lot;

C. Stable or paddock locations shall be submitted to the planning department for approval;

D. A maximum limit on the number of horses permitted on each lot may be established by the planning commission or city council. An advisory committee of horse owners may be formed to assist in establishing the maximum limit on the number of horses permitted on each lot in the district;

E. If deemed necessary to protect adjoining lots not a part of the district, more stringent regulations may be imposed on the lots on the periphery of the district;

F. The planning commission may recommend, and the city council may require, any additional conditions deemed necessary to protect the health, safety and welfare of all residents in the area;

G. The sanitary regulations as stated in CVMC Title 6, Animals, shall be strictly enforced. The director of public health may declare the violator(s) of this section as a public nuisance and subject the horse-keeping privilege to the abatement and/or penalty provisions as stated in the animal regulation ordinance;

H. Any horse(s) presently being maintained in conformity with the regulations of either the city of Chula Vista or the county of San Diego as of August 8, 1969, as applied to the property where said horses are being maintained, may continue to be so maintained in accordance with said rules.

(Ord. 1364 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.601(A)(5)(b)).

**19.56.130 PUD planned unit development modifying district – Purpose.**

The purpose of planned unit developments is to allow diversification in the relationships of various uses, buildings, structures, and open spaces in planned building groups and the allowable heights of buildings and structures, while insuring substantial compliance to the intent of the zone regulations and other provisions of this title, in order that the intent of this title in requiring adequate standards related to the public health, safety and general welfare shall be observed without unduly inhibiting the advantages of large-scale site planning for residential, commercial, industrial or institutional purposes. (Ord. 1500 § 4, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(6)(a)).

**19.56.140 PUD planned unit development modifying district – Conditions required – Minimum area – Application.**

A. No planned unit development should have an area of less than five acres for a proposed C-O, I-R, I-L or I zone use, or an area of less than two acres for any other proposed use.

B. A planned unit development application, pursuant to CVMC 19.14.330 through 19.14.410, which will require a change of zone shall be accompanied by an application for zoning amendment pursuant to CVMC 19.12.010 through 19.12.050. (Ord. 1500 § 4, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(6)(b)).

**19.56.150 PUD planned unit development modifying district – Documents required with application.**

Application shall be accompanied by a planned unit development plan, showing the use or uses to be reserved for vehicular and pedestrian circulation; parking; public uses such as schools, playgrounds, and parks; landscaping and other open spaces; undisturbed natural land, erosion control and fire control planting; and architectural drawings and sketches demonstrating the general design and character of the proposed uses and physical relationship of the uses. Such other pertinent information, including density of dwelling units, coverage, and open space characteristics, shall be included as may be necessary to a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and

requirements differing from those ordinarily applicable under this title. (Ord. 1500 § 4, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(6)(c)).

**19.56.160 PUD planned unit development modifying district – Subdivision map required with application.**

A tentative subdivision map shall accompany all applications for a planned unit development. The tentative subdivision map shall be in complete conformance with the planned unit development plan and the requirements of CVMC Title 18 and the State Subdivision Map Act. (Ord. 1500 § 4, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(6)(d)).

**19.56.170 PUD planned unit development modifying district – Review – Conditions required.**

In order to approve a planned unit development, the planning commission and city council shall find the following:

A. Consistency with the General Plan. That the proposed planned unit development is consistent with the Chula Vista general plan;

B. Residential Developments. In the case of proposed residential development, that such development will constitute a residential environment of sustained desirability and stability; and that it will be in harmony with or complementary to the character of the surrounding neighborhood and will result in standards of open space at least as high as permitted or specified otherwise for such development in this title;

C. Commercial Developments. In the case of proposed commercial development, that such development is needed at the proposed location to provide adequate commercial facilities of the type proposed; that traffic congestion will not likely be created by the proposed development, or will be obviated by presently projected improvements and by demonstrable provision in the plan for proper entrances and exits, and by internal provisions for traffic and parking; that in such development transient residential units will not result in an intensity of land utilization more than the intensities specified or permitted by applicable zoning provisions; and that said development will be an attractive and efficient center which will fit harmoniously into and will have no adverse effects upon the adjacent or surrounding neighborhood;

D. Industrial Developments. In the case of proposed industrial developments, that such development is in conformity with the applicable performance standards, and will constitute an efficient

and well-organized development, with adequate provisions for railroad and/or truck access service and necessary storage; such development will have no adverse effect upon adjacent or surrounding neighborhoods;

E. Institutional Developments. In the case of proposed institutional developments, such as colleges, hospitals, etc., that said development is appropriate in type, area and location where proposed in the community and that proper provisions are made for service access, staff or employee parking, student or visitor parking, etc.; that surrounding thoroughfares have been or will be developed to have adequate capacity to accommodate such institutional use; that the capacity of the institution and density and coverage of said use is not excessive for the area of the site; and that said use will fit harmoniously into and have no adverse effects upon the surrounding area and will be properly screened and landscaped to avoid such adverse effects in accordance with the landscape policy;

F. Exceptions Justified. That the development of a harmonious, integrated plan justifies exceptions, if such are required, to the normal requirements of this title. (Ord. 1500 § 4, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(6)(e)).

**19.56.180 PUD planned unit development modifying district – Density policy.**

The minimum lot size and maximum residential density in any PUD modifying district shall be that allowed in the underlying zoning district as specified in this title; provided, however, that city council may authorize a higher density or a smaller lot size by permitting density to be calculated as specified in the PUD policy. Such increased density or any portion thereof may be authorized by city council in accordance with standards established in the PUD policy. (Ord. 1500 § 4, 1973; Ord. 1212 § 1, 1969; prior code § 33.601 (A)(6)(f)).

**19.56.190 PUD planned unit development modifying district – Standards for residential developments.**

Development standards shall be in conformance with the requirements specified in the PUD policy adopted by the city; however, the city council may grant exceptions from the standards or other sections of this title in areas relating to height regulations, lot area, lot width, setbacks, frontage requirements, and coverage requirements on any single lot in the review of a planned unit development based on the development of a harmonious, integrated plan. To grant an exception from any

other code requirement, such as floor area or parking, the following procedure shall be required:

A. Application for any exception shall be made at the time of application for the planned unit development on a form prescribed for that purpose by the city.

B. Any requested exceptions shall be outlined in the public hearing notice for the planned unit development and shall be considered by the planning commission and city council during the public hearing on the planned unit development. The city council may approve, conditionally approve, or deny any requested exception based on the following findings:

1. The exception is necessary in order that the intent of this chapter in requiring adequate standards related to the public health, safety and general welfare shall be observed without unduly inhibiting the advantages of large-scale residential planning;

2. The granting of the exception will not impair the intent of any requirement from which an exception is requested;

3. The granting of the exception will not result in substantial detriment to the subject property or any adjacent properties;

4. The authorizing of this exception will not adversely affect the general plan of the city, or the adopted plan of any governmental agency. (Ord. 1500 § 4, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(6)(g)).

#### **19.56.200 PUD planned unit development modifying district – Principles to be considered.**

In carrying out the provisions set forth in CVMC 19.56.130 through 19.56.190, the planning commission and city council shall consider the following principles:

A. It is the intent of CVMC 19.56.130 through 19.56.190 that site and building plans prepared for a planned unit development shall be done by a professional designer or team of professional designers qualified to prepare said plans, which shall be functionally and aesthetically suitable for the use proposed in the application, and the commission and city council shall have the authority to require the applicant to engage such a qualified designer or design team.

B. It is not the intent of CVMC 19.56.130 through 19.56.190 that control of the design of a planned unit development by the planning commission and city council be so rigidly exercised that individual initiative be stifled and substantial

additional expense incurred; rather, it is the intent of these sections that the control exercised be the minimum necessary to achieve the purpose of said sections.

C. The planning commission and city council, in carrying out the provisions set forth in CVMC 19.56.130 through 19.56.190, shall also observe such of the principles set forth in CVMC 19.14.420 through 19.14.480, site plan and architectural approval, as are appropriate to the review of a planned unit development. (Ord. 1500 § 4, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(6)(h)).

#### **19.56.210 H hillside modifying district – Established – Effect – Grading graph.**

There is established a supplemental district designated as the H hillside modifying district which may be attached to any existing zone in the city. Within the boundaries of any hillside modifying district, the permitted density and extent of grading for residential uses shall be determined by the average natural slope of the portion of the site to be placed in residential use in accordance with the hillside development graph (Figure 1). (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(7)).

#### **19.56.220 H hillside modifying district – Method for computing average natural slope – Uses excluded.**

The average natural slope of a property shall be determined on the basis of measurements of areas to be devoted to residential use and any open space provided. Any open space to be purchased by a public agency, or any areas devoted to commercial or other nonresidential use, shall be excluded from the acreage to be measured. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(7)(2)(1)).

#### **19.56.230 H hillside modifying district – Method for computing average natural slope – Formula.**

Using a scale and contour interval deemed appropriate by the director of planning, the applicant shall show the boundaries of his site, proposed land uses and acreages of each land use, and the average natural slope of the residential acreage of the site, using the following formula:

$$S = \frac{0.00229 \times I \times L}{A}$$

Where:

S = Average natural slope in percent

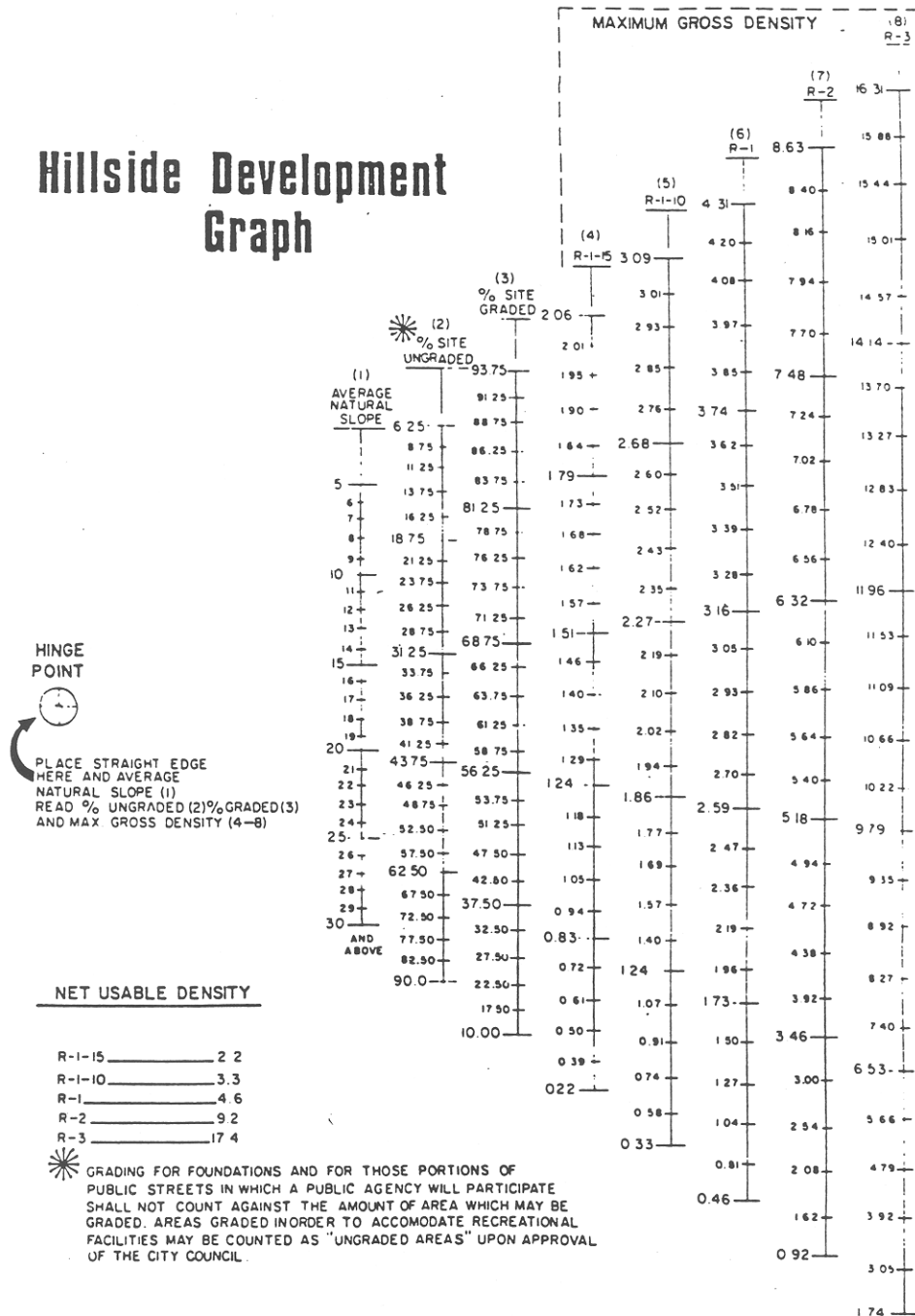
I = Contour interval in feet

L = Length of contours in feet

A = Acres of area being measured

0.00229 = Constant which converts square feet into acres and expresses slope in percent.

## Hillside Development Graph



The average natural slope shall be certified by a registered civil engineer. Once the average natural slope has been determined, the preceding graph in Figure 1 shall be used to determine the maximum permitted density and the limitations which will be placed on grading. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(7)(a)(2)).

**19.56.240 H hillside modifying district – Open spaces – Location.**

It is the express intent of the ordinance codified in CVMC 19.56.210 through 19.56.290 that the open spaces set aside for either dedication to or purchase by the city shall be consistent with the city's open space element of the general plan.

Such consistency shall be made a condition of approval of any development within an H hillside modifying district; provided, however, that additions to and deletions from the open spaces indicated on the city's open space element may be made, subject to approval by the planning commission and the city council. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601 (A)(7)(b)).

**19.56.250 H hillside modifying district – Open spaces – Maintenance.**

A. Within natural open space areas in public ownership, or within an open space maintenance district, the city shall conduct an annual inspection, clearing and replanting program to ensure that the areas remain free from undue fire hazards.

B. With open space areas which are under private ownership, the covenants and restrictions placed on such properties shall require the owner(s) to conduct an annual inspection, clearance, and replanting program. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601 (A)(7)(c)).

**19.56.260 H hillside modifying district – Off-street parking – Parking bays permitted when.**

Where on-street curb parking is not feasible due to reduced width streets or lanes, on-street parking shall be permitted only in designated parking bays.

A. Standards for Parking Bays. Parking bays shall be located as close as possible to the residential areas they serve. Such locations may include the following:

1. Between dwellings or clusters of dwellings;
2. In the center of cul-de-sac turnarounds;
3. Behind dwellings.

B. Off-Street Parking Requirements. Where on-street parking is prohibited, the off-street requirements shall be as follows:

Dwelling Type	Off-Street Parking Requirements
Single-family dwelling, detached	2-car garage plus 1 guest space
Single-family dwelling, attached	2-car garage plus 1 guest space
Multiple-family development	1 space per 1 bedroom unit or studio unit 1-1/2 spaces per 2 bedroom unit 2 spaces per 3 or more bedroom unit

For every 10 uncovered spaces, one may be a compact space. Guest parking in multifamily developments shall be provided at the rate of one-half space per unit, regardless of size. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601 (A)(7)(d)).

**19.56.270 H hillside modifying district – Information required for presubmission conference.**

Prior to the submission of proposed plans, the applicant shall schedule a meeting with city staff members to discuss the requirements of the hillside modifying district. At this meeting, the applicant shall be prepared to present the following information about his development:

- A. Preliminary development proposal showing:
  1. Outline and size of parcel,
  2. Average natural slope,
  3. Approximate gross density and location of residential land uses,
  4. Approximate location of nonresidential uses,
  5. Approximate location of open spaces;
- B. Approximate development (and annexation, if applicable) schedule.

In turn, the staff shall be prepared to discuss with the applicant the requirements of the hillside modifying district and hillside development policy. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(7)(e)).

**19.56.280 H hillside modifying district –  
Existing lots of record.**

Any lot of record prior to enactment of the ordinance codified in CVMC 19.56.210 through 19.56.290 shall be permitted at least one dwelling unit. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601(A)(7)(f)).

**19.56.290 H hillside modifying district –  
Administrative procedures.**

A. A development plan within the hillside modifying district shall be processed in the manner set forth in this title and CVMC Title 18.

B. Findings Required. No development within an H hillside modifying district shall be approved unless the planning commission and the city council find that the development conforms to the provisions of this title, the provisions of the hillside development policy, and the concepts of the design criteria for hillside development. (Ord. 1512 § 2, 1973; Ord. 1212 § 1, 1969; prior code § 33.601 (A)(7)(g)).

**Chapter 19.58**

**USES**

**Sections:**

- 19.58.010 Purpose of provisions.
- 19.58.020 Accessory buildings.
- 19.58.022 Accessory second dwelling units.
- 19.58.024 Adult-oriented recreation businesses.
- 19.58.030 Agricultural processing plants.
- 19.58.040 Amusement and entertainment facilities.
- 19.58.042 Carnivals and circuses.
- 19.58.050 Animal hospital, veterinarian facilities.
- 19.58.055 Auctions of vehicles, heavy machinery and equipment.
- 19.58.060 Automobile car wash facilities.
- 19.58.070 Automobile sales facilities.
- 19.58.080 Cemetery, crematory, mausoleum, or columbarium.
- 19.58.090 Club, country – Golf course.
- 19.58.100 Club, community building, social hall, lodge and fraternal organization.
- 19.58.110 Church, hospital, convalescent hospital, religious or eleemosynary institution.
- 19.58.115 Dance floors.
- 19.58.120 Drive-in establishments.
- 19.58.130 Dwelling groups.
- 19.58.140 Electric substations.
- 19.58.145 Factory-built housing.
- 19.58.147 Family day care homes, large.
- 19.58.148 Certified farmers' markets.
- 19.58.150 Fences, walls and hedges.
- 19.58.160 Fertilizer plants and yards.
- 19.58.170 Golf driving ranges.
- 19.58.175 Hay and feed stores.
- 19.58.178 Hazardous waste facilities.
- 19.58.180 Heliports or landing strips for aircraft.
- 19.58.190 Kennels, riding academies and public stables.
- 19.58.200 Labor camps.
- 19.58.205 Mixed commercial-residential projects in the C-C-P zone.
- 19.58.210 Motels and hotels.
- 19.58.220 Nursing homes.
- 19.58.225 *Repealed.*
- 19.58.230 Parking lots and public garages.
- 19.58.240 Poultry farm.
- 19.58.244 Professional offices in the R-1 and R-3 zones.
- 19.58.245 Ambulance services.
- 19.58.260 Repair of vehicles.

- 19.58.270 Retail sales for guests only.
- 19.58.280 Service stations.
- 19.58.290 Shooting clubs.
- 19.58.310 Stables and corrals.
- 19.58.320 Tract office, temporary.
- 19.58.330 Trailers.
- 19.58.340 Recycling and solid waste storage.
- 19.58.345 Recycling collection centers.
- 19.58.350 Commercially zoned double frontage lots.
- 19.58.360 Zoning wall or fence.
- 19.58.370 Outside sales and display – Permanent and temporary.
- 19.58.380 Special events.
- 19.58.390 Senior housing development.
- 19.58.400 Recreational vehicle storage yards.
- 19.58.410 Prohibition of flashing lights.
- 19.58.420 Water distribution facilities.

#### **19.58.010 Purpose of provisions.**

The purpose of these special provisions is to establish clear and definite terms and conditions governing the development of certain uses, possessing unique characteristics or problems, which will enable diverse uses to be accommodated harmoniously within the city, and to provide uniform standards and guidelines for such development. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(A)).

#### **19.58.020 Accessory buildings.**

A. An accessory building may be erected detached from the principal building or, except when a stable, may be erected as an integral part of the principal building or it may be attached thereto by a breezeway or similar structure.

B. Any accessory building attached to the main building shall be made structurally a part of the main building and shall comply in all respects with the requirements of this title applicable to the main building. Unless attached, an accessory building in an R zone shall be at least six feet from any dwelling existing or under construction on the same lot or any adjacent lot. Except in the R-3-T zone, the following shall apply:

1. No building may occupy any portion of a required yard; except, that a detached garage or carport, covered patio enclosed on not more than two sides, or other accessory one-story building may disregard any rear or side yard requirements if located in the rear 30 percent of the lot, or back of the front 70 feet of the lot;

2. An accessory building or covered patio located 70 feet or less from the front property line

shall have the same side yard as that required for the main building, regardless of whether said accessory building is detached from the main building;

3. A covered patio, detached garage or carport, or other accessory one-story building, may cover an area not to exceed 30 percent, except as allowed for parking structures in multiple-family zones (see CVMC 19.28.100), of the area of any required rear yard; except, that no accessory building in a rear yard shall be required to have less than 400 square feet;

4. A covered patio or detached accessory building located in the rear 30 percent of the lot, or back of the front 70 feet of the lot, shall be located either on a property line or not less than three feet from such line.

C. All accessory buildings shall be considered in the calculation of lot coverage; garden shelters, greenhouses, storage shelters and covered patios shall be permitted as accessory buildings; provided, that these uses are not equipped for use as living quarters.

D. Guest house accessory buildings shall not be closer than 10 feet to the nearest point of the main building. (Ord. 2145 § 2, 1986; Ord. 2124 § 7, 1985; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(1)).

#### **19.58.022 Accessory second dwelling units.**

Accessory second dwelling units are allowed in certain areas as a potential source of affordable housing and shall not be considered in any calculation of allowable density for the lot upon which they are located, and shall also be deemed consistent with the general plan and zoning designation of the lot as provided. Except as provided in subsection (C)(6) of this section, accessory second dwelling units, whether attached or detached, shall be considered additions to the existing house for the purposes of evaluating existing nonconforming structures or uses for compliance with Chapter 19.64 CVMC. Required corrections of any nonconforming situations shall occur concurrently with the addition of the new unit. Accessory second dwelling units shall be subject to the following development standards:

A. Accessory second dwelling units shall be limited to a maximum gross floor area of up to 850 square feet, or shall have a gross floor area less than the primary single-family dwelling, whichever is less, and may be attached or detached above or behind a main or primary single-family dwelling or accessory structure on the same lot.

B. The accessory second dwelling unit must accompany a main or primary dwelling unit on an A, R-E, R-1 or P-C zoned single-family lot. Accessory second dwelling units are precluded from R-2 and R-3 zoned lots.

C. The accessory second dwelling unit shall conform to the underlying zoning and land use development standards of the A, R-E, R-1 or P-C zoned lot, such as height, bulk, and area regulations, with the following modifications or exceptions:

1. A detached accessory second dwelling unit shall be located a minimum of six feet from a main or primary single-family dwelling unit.

2. An accessory second dwelling unit is subject to the same height limitation as the main or primary dwelling unit.

3. A single-story accessory second dwelling unit may be located within a required rear or interior side yard area, but not closer than five feet to any property line. In addition, the unit and all other accessory structures shall not occupy more than 30 percent of the required rear yard. Second-story accessory second dwelling units shall observe the setbacks of the primary structure unless the zoning administrator approves a reduction to not less than five feet through the approval of a conditional use permit as authorized by CVMC 19.14.030.

4. A lot shall be a minimum 5,000 square feet in size to add an accessory second dwelling unit. Existing lots less than 5,000 square feet may develop an accessory second dwelling unit only if it can be incorporated within the existing permitted building envelope.

5. The lot coverage including an accessory second dwelling unit shall not exceed 50 percent. Lots in planned communities that are already permitted to exceed 50 percent in lot coverage by their sectional planning area general development plan may include an accessory second unit if the accessory second unit can be incorporated within the existing permitted lot coverage.

6. Accessory second dwelling units shall be provided with one standard sized parking space for studio, one-bedroom, or two-bedroom units; or two standard sized parking spaces for units with three or more bedrooms. Said parking is in addition to the parking requirements for the main dwelling as specified in CVMC 19.62.170. The director of planning and building may waive the requirement to comply with CVMC 19.62.170 if doing so would be physically infeasible, or materially impair the neighborhood character or public interest. The off-street parking space(s) shall be on the

same lot as the second dwelling unit, shall be screened from view from public streets, and shall not be located within a required front or exterior side yard setback. Tandem parking is not allowed to satisfy required parking for an accessory second dwelling unit. Lots having accessory second dwelling units must take access from a public street, alley or a recorded access easement.

7. The accessory second dwelling unit shall be served by the same water and sewer service lateral connections that serve the main or primary dwelling unit. A separate electric meter and address may be provided for the accessory second dwelling unit.

8. Accessory second dwellings shall be designed to be consistent in architectural style with the main house and compatible with surrounding residential properties. The design review committee shall review disputes about design and/or compatibility issues.

9. Any accessory second dwelling unit that is attached to an existing residential structure shall meet the standards of this section, and all applicable development standards of the existing zone. (Ord. 2957 § 1, 2004; Ord. 2951 § 1, 2004; Ord. 2897 § 6, 2003).

#### **19.58.024 Adult-oriented recreation businesses.**

A. The following described businesses are deemed to be adult-oriented recreation businesses, and shall only be permitted in the C-T zone:

1. Adult bookstores;
2. Adult motion picture theaters;
3. Adult mini-motion picture theaters;
4. Cabarets;
5. Coin-operated adult entertainment facilities;
6. Massage parlors;
7. Body painting studios;
8. Dancehalls;
9. Model studios;
10. Sexual encounter studios and rap parlors;
11. Narcotic or drug paraphernalia shops.

B. Location Requirements. An adult-oriented recreation business shall only be located in the C-T zone, and no such business shall be located within 500 feet of residentially zoned territory, which is located upon the same street or streets, or is within 500 feet of residentially zoned or residentially used properties as measured along street rights-of-way from the proposed location to the boundary line of said residentially zoned or used properties, or is located within 500 feet measured radially of any



building site containing a school, park, church or playground. Furthermore, no adult-oriented recreation business shall be located within 1,000 feet of another adult-oriented recreation business.

C. Specific Standards – View of Interior from Public Way. All building openings, entries and windows from adult entertainment establishments shall be located, covered or screened in such a manner as to prevent a view into the interior from any public or semipublic area, including public sidewalks, streets, arcades, hallways or passageways, of any material which has as its primary or dominant theme matter depicting, illustrating, describing or relating to specified sexual activities or specified anatomical areas, or of drug paraphernalia, as defined in this title. Further, such businesses may not have signs, graphics, or window displays which in any way present, depict, illustrate or describe any such material. (Ord. 1954 § 1, 1981; Ord. 1855 § 1, 1979).

#### **19.58.030 Agricultural processing plants.**

Agricultural processing plants in an A zone, which process agricultural products produced on the premises or within a contiguous agricultural area, shall be so located as to provide convenient trucking access with a minimum of interference to normal traffic and shall provide parking and loading spaces. Proponents shall show that adequate measures shall be taken to control odor, dust, noise and waste disposal so as not to constitute a nuisance, and shall show that the proposed source of water will not deprive others of normal supply. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(2)).

#### **19.58.040 Amusement and entertainment facilities.**

Amusement and entertainment facilities such as bowling alleys, dancehalls, amusement parks and other similar recreational facilities shall be subject to the following development standards:

A. All structures shall maintain a minimum setback of 20 feet from any residential zone.

B. Ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards.

C. Adequate controls or measures shall be taken to prevent offensive noise and vibration from any indoor or outdoor activity onto adjacent properties or uses.

D. Amusement arcades or centers shall also be subject to the following:

1. Game play (except mechanical rides) by minors is prohibited during normal school hours, 7:30 a.m. and 3:00 p.m.,\* and between the hours of 10:00 p.m. and 6:00 a.m. prior to a school day, except when accompanied by an adult 21 years of age or older;

2. There shall be adult supervision (persons 18 years of age or older) at all times;

3. A bicycle rack for at least 10 bicycles shall be provided at or near the main entrance into the establishment;

4. No alcoholic beverages shall be sold or consumed on the premises, except in those instances where a restaurant in conjunction with said use has been approved through the conditional use permit process;

5. At least one public restroom shall be provided on the premises; and

6. The license for the game(s) shall be displayed on the premises.

The planning commission has the right to impose additional standards or waive any of the above standards on the finding that said standards are or are not necessary to protect the public health, safety and general welfare.

All existing establishments with four or more amusement games which are operating without a conditional use permit must apply for such within 120 days from the adoption of this provision. The application will be processed by the zoning administrator.

E. Amusement games as accessory uses (fewer than four game machines) shall be subject to the following:

1. Except for mechanical rides, all amusement games shall be located within the establishment;

2. Adult supervision (persons 18 years of age or older) shall be provided at all times;

3. Game play (except mechanical rides) by minors is prohibited during normal school hours, 7:30 a.m. and 3:00 p.m.,\* and between the hours of 10:00 p.m. and 6:00 a.m. prior to a school day, except when accompanied by an adult 21 years of age or older;

4. Game play by minors is prohibited in liquor stores;

5. A zoning permit shall be obtained from the planning department and a business license issued by the finance department prior to the installation of any amusement game; and

6. The license for the game(s) shall be displayed on the premises.

---

*This page left intentionally blank.*

The zoning administrator may modify or waive any of the above regulations upon a determination that the provision is being satisfied by another acceptable means.

Any violation of the above regulations which has been substantial shall be sufficient grounds for the zoning administrator to revoke the zoning permit and removal of the games from the premises. (Ord. 2053 § 1, 1983; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33901(B)(3)).

\* Note: Game play during normal school hours will be allowed if verification of holiday or year-around school schedule is presented to the operator.

#### **19.58.042 Carnivals and circuses.**

Carnivals and circuses shall be subject to the following development standards:

A. Carnivals shall be restricted to locations where the ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards and provide adequate parking.

B. Adequate controls or measures shall be taken to prevent offensive noise, vibration, dust and glare from any indoor or outdoor activity onto adjacent property or uses.

C. The time of operation and the duration shall be limited by consideration of the impacts on the surrounding uses or the community as a whole. The frequency of operation at a particular location shall be a consideration in determining whether or not to grant the permit. Carnivals and circuses shall have adequate insurance, pursuant to city council policy, to indemnify the city from liability. A business license shall be required.

D. The site shall be cleared of weeds and obstructions. Fire regulations shall be met as established by the fire marshal including inspection prior to opening. Security guards as required by the police department shall be provided. Uniformed parking attendants are to be determined by the traffic engineer. The number of sanitary facilities shall be as determined by the department of planning and building. All electrical installations shall be inspected and approved by the department of planning and building.

E. The zoning administrator has the right to impose additional standards or waive any of the above standards on the finding that said standards are or are not necessary to protect the public health, safety and general welfare.

F. A bond shall be posted to cover any work and compliance with conditions to be done once the carnival is over. Any violation of the above regula-

tions which has been substantial shall be sufficient grounds for the zoning administrator to revoke the conditional use permit and require removal of the circus or carnival from the property. (Ord. 2790, 1999; Ord. 2074 § 4, 1984).

#### **19.58.050 Animal hospital, veterinarian facilities.**

Animal hospital and veterinarian facilities shall be located no closer than 100 feet to any residential zone, or restaurant, hotel or motel in any zone, and shall show that adequate measures and controls shall be taken to prevent offensive noise and odor before a zoning permit is granted (see CVMC 19.66.080 through 19.66.150). No incineration of refuse or animal carcasses shall be permitted on the premises. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(4)).

#### **19.58.055 Auctions of vehicles, heavy machinery and equipment.**

A. Subject use shall only be allowed by the issuance of a conditional use permit by the planning commission in the I-P (general industrial – precise plan) zone.

B. The applicant shall list specific items proposed to be auctioned. Said items shall meet the categories “vehicle, heavy machinery and equipment.” The conditional use permit, if issued, shall clearly specify the types of items authorized for auctioning as determined by the issuing authority (the planning commission, or city council if appealed).

C. Auctions shall be limited to one per week with a minimum of one week between auctions.

D. Auctions shall only be held between the hours of 8:00 a.m. and 5:00 p.m.

E. All areas shall be properly paved, striped and improved to city standards, and screened to the satisfaction of the city engineer and the director of planning.

F. Outdoor loudspeakers shall be prohibited unless a noise study conducted by a certified acoustician determines that the proposal can meet the city’s noise standards.

G. The on-site repair or dismantling of automobiles or equipment by purchasers is prohibited. (Ord. 2584 § 5, 1994).

#### **19.58.060 Automobile car wash facilities.**

A. All equipment used for the facility shall be soundproofed so that any noise emanating therefrom, as measured from any point on adjacent property, shall be no more audible than the noise

emanating from the normal street traffic at a comparable distance.

B. Hours of operation shall be from 7:00 a.m. to 11:00 p.m., unless specifically approved by the planning commission.

C. Vacuuming facilities shall be located to discourage the stacking of vehicles entering the car wash area and causing traffic congestion adjacent to any areas used for ingress or egress.

D. The car wash location, technology and related drainage facilities shall be designed and constructed so as to prevent damage to pavement or other infrastructure from water from the car wash operation being carried off-site, to provide a means to collect and retain potentially toxic material, and to use recycled water to the extent possible. (Ord. 2491 § 3, 1992; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(5)).

#### **19.58.070 Automobile sales facilities.**

Automobile sales facilities, new and used, shall provide customer off-street parking equal to one-tenth of the car storage capacity of the facility, with ingress and egress designed to minimize traffic congestion, and shall provide a six-foot-high masonry wall separating the entire area from abutting residential property, except as provided under CVMC 19.58.055 for auctions. Said wall may be replaced with a fence subject to department approval. (Ord. 2584 § 6, 1994; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(6)).

#### **19.58.080 Cemetery, crematory, mausoleum, or columbarium.**

Cemeteries, crematories, mausoleums, or columbariums shall provide entrance on a major or secondary thoroughfare with ingress and egress so designed as to minimize traffic congestion, and shall provide a minimum six-foot-high evergreen hedge or provide a minimum of 20 feet of permanently maintained landscaped strip on all property lines abutting any R zone or residential street. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(7)).

#### **19.58.090 Club, country – Golf course.**

Country club and golf course regulations are as follows:

A. No building shall be located within 20 feet of any property line.

B. Facilities, such as restaurants and bars, may be permitted when conducted and entered from within the building.

C. Swimming pools, tennis courts, and the like shall be located not less than 25 feet from any property line, and when adjoining property in an R or C zone, shall be effectively landscaped, subject to the approval of the director of planning and building. (Ord. 2790, 1999; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(8)).

#### **19.58.100 Club, community building, social hall, lodge and fraternal organization.**

For clubs, community buildings, social halls, lodges and fraternal organizations in R zones, the following provisions apply:

A. All buildings must be a minimum of 10 feet from the side lot lines, and 25 feet from the rear lot line.

B. There shall be no external evidence of any incidental commercial activities nor any access to any space used for such activity other than from within the building.

C. Any such use must be able to provide access without causing heavy traffic on local residential streets. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(9)).

#### **19.58.110 Church, hospital, convalescent hospital, religious or eleemosynary institution.**

A. Any church, hospital, convalescent hospital or other religious or eleemosynary institution in any R zone shall be located on collector street or thoroughfare with a minimum parcel of one acre; shall maintain a 10-foot-wide minimum landscaped strip or solid six-foot fence or masonry wall on all property lines abutting said R zone; except, that said fence or wall may be reduced to three and one-half feet in a landscaped front setback area not containing parking facilities; and shall have side yard and rear yard setbacks of at least 20 feet and a front yard setback of at least 20 feet. These shall be considered guidelines rather than standards in the case of churches.

B. The provision of temporary shelter for the homeless in accordance with the following standards and requirements is considered accessory to church use subject to compliance with the following standards:

1. A shelter may accommodate a maximum of 12 guests for two weeks per year. Two additional nonconsecutive two-week periods may be authorized by the zoning administrator provided no opposition has been expressed by surrounding property owners or residents; otherwise the city

council shall have the authority to grant such extensions.

2. The guests shall be prescreened by a recognized social service agency to determine resident suitability. Active alcohol or drug abusers as well as those with criminal convictions of a felony or any crime of violence or significant mental illness shall be excluded from the program. Supervision shall be provided at all times both on-site and during arrivals and departures from the shelter.

3. A floor plan and set-up of the space to be occupied shall be submitted along with a description of the prescreening agency and criteria.

A post set-up, pre-shelter inspection shall be conducted by the city in order to determine compliance with applicable building, health, safety and fire regulations.

4. A church which is providing shelter for the first time, or which has not provided shelter in the last 18 months, shall provide the city with certification that written notice of the proposal has been given to properties within 300 feet of the shelter site. The host congregation is encouraged to hold a neighborhood meeting to inform residents of the proposal and answer questions well before the commencement date.

5. The shelter may be subject to closure for the violation of the standards or determination by the zoning administrator that the shelter guests have been the negligent or intentional cause of one or more neighborhood disturbances.

6. Shelter proposals beyond the limit noted in subsection (B)(1) of this section, including extensions, are considered conditional uses and may only be permitted by issuance of a conditional use permit. (Ord. 2485 § 1, 1991; Ord. 2290 § 1, 1989; Ord. 2287 § 2, 1988; Ord. 2285 § 1, 1988; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(10)).

#### **19.58.115 Dance floors.**

Dance floors in conjunction with restaurants, bars, cocktail lounges or night clubs shall be subject to the following standards:

A. Any structure containing a dance floor shall maintain a minimum setback of 20 feet from any residential zone;

B. Ingress and egress from the site shall be designed so as to minimize traffic congestion and hazards;

C. Adequate controls or measures shall be taken to prevent offensive noise and vibration from within the establishment adversely affecting adjacent properties or uses;

D. Parking requirements, as established in CVMC 19.62.050.

The zoning administrator may modify or waive any of the above regulations upon a determination that the provision is being satisfied by another acceptable means. The zoning administrator may require additional conditions of approval based on an analysis of the site.

Any violation of the above regulations or other conditions attached to the permit shall be sufficient grounds for the city council to suspend or revoke the dance floor license pursuant to CVMC 5.26.120. (Ord. 2273 § 8, 1988).

#### **19.58.120 Drive-in establishments.**

A. Drive-in establishments, except theaters, shall be permitted only where:

1. They are clearly required by public convenience and necessity;

2. They do not break up continuity of retail store frontage for pedestrians;

3. They will not cause traffic hazards or undue traffic congestion;

4. An enclosed area with containers is provided for waste and trash;

5. They will not be a nuisance to residences or other surrounding uses.

B. Theaters shall be located only on major or secondary thoroughfares; shall provide ingress and egress so designed as to minimize traffic congestion; shall be located not less than 200 feet from any R zone, and so screened from such district that any noise shall not disturb residents or prospective residents; and shall maintain lighted signs and other lights only in such a way as not to disturb neighboring residents. Any projection screen image shall be so located or screened as not to be easily visible from any major or secondary thoroughfare. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(11)).

#### **19.58.130 Dwelling groups.**

A dwelling group as defined in CVMC 19.04.076 may be permitted; provided, that all of the following conditions and requirements are met:

A. The area of the lot devoted to each structure used for dwelling purposes shall be equal to the minimum lot size of the underlying zone exclusive of the access road and guest parking areas.

B. Each dwelling shall be connected to a gravity sewer or any other means approved by the city engineer.

C. All on-site utilities shall be undergrounded.

D. No garage conversions shall be permitted.

E. All roadways, driveways and guest parking areas shall be paved with a minimum of five inches of portland concrete cement.

F. The minimum width of an access roadway serving one dwelling structure shall be 15 feet and 20 feet for two or more structures.

G. Guest parking shall be provided for those dwellings served by an access roadway. The number of spaces shall be as follows:

1. One dwelling structure, one space;
2. Two or more dwelling structures, one and one-half spaces per dwelling structure.

H. An on-site fire hydrant may be required by the fire department when it is deemed necessary.

I. If the property is graded to create a building pad for each dwelling structure, the minimum level pad area (no slope over five percent) of each pad shall be not less than 80 percent of the minimum lot size required for said dwelling, but in no case shall the minimum level area be less than 5,000 square feet.

J. Development proposed on existing natural topography having an average natural slope of 10 percent or greater, and with less than 10 percent of the site to be graded, shall be subject to the approval of the director of planning, who shall consider whether such development will adversely affect adjacent properties or development.

K. The following yards shall be based upon the front orientation of the structures:

1. Front yard, 15 feet from the access roadway and from any setback line set forth in this section. Any garage facing the access roadway shall be a minimum of 22 feet from the access roadway;
2. Side yard, not less than that required by the underlying zone;
3. Rear yard, not less than that required by the underlying zone upon initial construction.

L. In addition to the setbacks established in this section, the minimum separation between dwellings shall not be less than the combined total of the yards required by the underlying zone, except where the dwellings face each other, in which case an additional 20 feet shall be provided between dwellings.

M. All development permitted under this provision shall be subject to the regulations and requirements of this title except as otherwise regulated in this section.

N. The development shall be subject to site plan and architectural approval of the director of planning.

O. The types of dwelling structures permitted under this provision shall be limited to those listed

under the permitted uses of the underlying zone. (Ord. 1874 § 1, 1979; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(13)(12)).

#### **19.58.140 Electric substations.**

Electric substations, when located in A, R, C-O, C-V and C-N zones, shall conform to the following requirements:

A. All buildings and equipment shall be required to observe the same yards applicable to buildings in each specific zone.

B. The property shall be surrounded by a solid masonry wall, or chain-link fence subject to staff approval, not less than six feet in height, with locked gates at all points of access. Facilities may also be housed inside an approved structure. The wall or fence may be waived by the planning commission if they find there would be no detrimental effect on the adjacent areas by elimination of this requirement.

C. The wall or fence shall be set back not less than 20 feet from principal street frontage and the space between said wall and street lot line provided with permanent landscaping and adequate sprinklers or appropriate automatic irrigation devices. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(13)).

#### **19.58.145 Factory-built housing.**

“Factory-built housing” means any housing unit prefabricated or constructed off-site of the building site in modular increments of whatever nature in accordance with the standards established by state and local government. In accordance with the provisions of this title, such units, subject to any architectural controls which may be established for particular areas, may be placed on a permanent foundation on a private lot in the A and R-1 zones and on lots designated for single-family detached dwelling units in the P-C zone; provided, that:

A. It may be occupied only as a residential use;

B. All development standards of the underlying zone pertaining to conventional single-family development are complied with; and

C. The foundation is in compliance with all applicable building regulations. (Ord. 1941 § 2, 1981).

#### **19.58.147 Family day care homes, large.**

A large family day care home shall be allowed in the R-E and R-1 zones, and within the P-C designated R-E and R-S zones, upon the issuance of a large family day care permit by the zoning admin-

istrator and in compliance with the following standards:

A. Notice shall be given to properties within 300 feet of the proposed large family day care home at least 10 days prior to consideration of the permit.

B. The permit shall be considered without public hearing unless a hearing is requested by the applicant or other affected party by the hearing deadline date. The applicant or other affected party may appeal the zoning administrator's decision to the planning commission.

C. The family day care function shall be incidental to the residential use of the property.

D. A large family day care home shall not locate within:

1. Three hundred (300) feet of another such facility with said measurement being defined as the shortest distance between the property lines of any such facilities; and

2. One thousand two hundred (1,200) feet of another such facility along the same street with said measurements being defined as the shortest distance between front property lines, as measured along the same street, of any such facilities.

E. The owner must provide a double-wide driveway which shall be paved to meet city standards and be a minimum of 16 feet wide and 19 feet in depth as measured from the edge of sidewalk to any vertical obstruction. The driveway shall be available during all hours of operation for the loading and unloading of children. If a garage exists on-site, it must be utilized for parking of personal vehicle(s). In the event that less than a two-car garage exists on-site, the owner must designate an area on-site other than on the driveway so that a total of two personal vehicles can be parked on-site, including the garage. Notwithstanding the foregoing, the applicant must comply with all other municipal code provisions as to parking and traffic.

F. If, in the opinion of the zoning administrator, there is a potential for significant traffic problems, the zoning administrator shall request review of the application by the city traffic engineer. The city traffic engineer may impose accessory requirements for the day care permit in these instances to insure maintenance of traffic safety levels within the vicinity of the home.

G. Adequate outdoor play space shall be required and determined on a case-by-case basis. Outdoor play activity shall not be allowed in the front or exterior side yard of the home.

H. Play areas shall be designed and located to reduce the impact of noise on surrounding properties.

I. A business license will be obtained concurrently with the use permit.

J. At the city's discretion, an annual review of the permit may be done to determine compliance with state and city requirements and the permit's conditions of approval. (Ord. 2793 § 1, 1999; Ord. 2717 § 1, 1998; Ord. 2269 § 2, 1988; Ord. 2123 § 1, 1985; Ord. 2111 § 8, 1985).

#### **19.58.148 Certified farmers' markets.**

"Certified farmers' market" means a retail sales operation, generally outdoors, selling predominantly fresh produce and/or flowers which is subject to the certification regulations of the State of California Department of Agriculture, Weights and Measures, and the county of San Diego's Department of Environmental Health.

A certified farmers' market shall operate under the following rules:

##### **A. Operational Requirements.**

1. A farmers' market shall operate no more than once a week, with the day and hours of operation established by the conditional use permit.

2. The sales area shall maintain a 25-foot setback from the street.

3. The market shall be located on a paved surface, except for areas used for animal rides.

4. The sales area shall be kept in a neat and well-kept manner at all times.

B. Signs. The operator of a farmers' market shall obtain approval of a planned sign program for all signs. The development and approval of the planned sign program shall comply with the provisions of CVMC 19.60.050 and the following:

1. Temporary signs, whether a part of or not a part of the planned sign program, identifying the farmers' market and hours thereof may only be displayed during the event, and not more than four hours before and one hour after said event.

2. Pennants may be used only for safety and precautionary purposes.

3. Price signs may be used only when of a size and location as to benefit the pedestrian shopper and not passing vehicles.

C. Required Conditions. The conditional use permit shall include requirements or standards for the following:

1. Live animals, live entertainment or rides if any are proposed.

2. On- and off-site security and traffic controls.

3. Emergency access provisions.

4. Restrooms.

5. Waste management and recycling.

6. The initial term of a certified farmers' market use permit shall be for a period not to exceed one year. Any extension or renewal of said use permit must be heard and acted upon by the city council, unless the city council expressly delegates such authority to the planning commission.

D. Parking. A certified farmers' market shall provide customer parking at a ratio of one space per 200 square feet of the maximum shopping area proposed. The term "shopping area" includes the area occupied by produce stands, vendor storage, walkways and aisles. If adequate parking is not available on-site, the operator shall provide off-site parking within 300 feet of the market area as measured along permanently available pedestrian routes. Said off-site parking shall be clearly identified as parking for the farmers' market, including signs at the market directing patrons to the off-site parking location.

E. If a certified farmers' market is located in a residential zone, it must be on property used primarily for public or quasi-public uses.

F. Any other conditions of approval set forth in the conditional use permit. (Ord. 2958 § 2, 2004).

#### **19.58.150 Fences, walls and hedges.**

A fence, wall or hedge subject to the provisions of CVMC 12.12.120 and 12.12.130, not more than three and one-half feet in height, may be maintained and located on any part of a lot. Those in excess of three and one-half feet may be located as follows:

A. A fence, wall or hedge not more than six feet in height may be maintained and located on any part of an interior or corner lot, to the rear of the required front and exterior side yard setbacks.

B. In any residential zone, a fence, wall or hedge, not more than six feet in height, may be maintained and located within a required exterior side yard subject to approval of the zoning administrator, who shall consider adjacent driveways, traffic hazards and topographic differences. A masonry wall shall consist of decorative features and a fence shall be interspersed with masonry pilasters, a maximum of 15 feet apart to insure a pleasing and aesthetic effect to the adjacent areas. Landscaping shall be required between the wall, fence, or hedge and the sidewalk if said wall, fence or hedge is not located at the edge of a sidewalk.

C. Portions of fences or walls over six feet in height, to enclose tennis courts or other game areas, and located where six-foot fences are otherwise permitted, shall be composed of wire mesh capable of admitting at least 90 percent of available

light as measured on a light meter. Such fences over six feet in height may be permitted subject to approval of the zoning administrator based on a finding that such fences will not constitute a nuisance to abutting property.

D. In any commercial or industrial zone, fences, walls or hedges may be allowed or required to a maximum height of nine feet if it is determined by the zoning administrator that said increase in height is necessary to protect the public health, safety or general welfare and would have no detrimental effect upon the surrounding neighborhood. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(14)).

#### **19.58.160 Fertilizer plants and yards.**

Fertilizer plants and yards shall be no closer than 200 feet to any residential district; shall provide automobile parking and truck loading areas, together with ingress and egress so designed as to minimize traffic hazard and congestion; and shall show that odor, dust, noise and drainage will not constitute a nuisance to surrounding properties. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(15)).

#### **19.58.170 Golf driving ranges.**

Golf driving ranges shall be located only on major or secondary thoroughfares except when incidental to a golf course. Floodlights used to illuminate the premises shall be so directed and shielded as not to be an annoyance to any developed residential property. The golf driving platform shall be not less than 200 feet from any adjacent R zone. The driving area shall be planted with grass, equipped with a sprinkler system, and maintained in good condition at all times. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(16)).

#### **19.58.175 Hay and feed stores.**

Retail hay and feed stores in A – agricultural zone shall conform to the following:

A. Whenever a hay and feed store is located within 100 feet of any residence not on the same lot as the store, storage of hay and feed shall be totally enclosed within the building(s) and properly ventilated.

B. Storage of readily combustible materials which exceed a volume of 2,500 cubic feet shall be permitted only upon approval by the fire marshal.

C. At the time of filing an application for a conditional use permit, the applicant shall show that odor and dust will not constitute a nuisance or haz-



ard to adjoining properties or uses. (Ord. 1604 § 2, 1975; prior code § 33.901(B)(16.1)).

#### **19.58.178 Hazardous waste facilities.**

A hazardous waste facility as defined in CVMC 19.04.107 may be considered for permitting only within an industrial zone which is also located within a general area identified in Section 5.5 of the public facilities element of the general plan as an area appropriate for the acceptance and consideration of an application for such a facility. A hazardous waste facility may be allowed within a location as indicated above upon the issuance of a conditional use permit, subject to the following standards and guidelines:

A. Purpose and Intent. It is the intent of this section to establish and clarify local requirements and procedures for the review and approval of conditional use permit applications for a hazardous waste facility, consistent with the provisions of Section 25199, et seq., of the California Health and Safety Code (Tanner Act), and with the objectives, policies, and criteria of the public facilities element of the general plan regarding hazardous waste management planning, and the siting and permitting of hazardous waste facilities.

B. Applicability. Any conditional use permit granted for a hazardous waste facility pursuant to CVMC 19.14.060 through 19.14.130 shall comply with the applicable provisions of this section which are supplementary to, and in the event of conflict shall supersede, the regulations set forth in CVMC 19.14.070 through 19.14.130. Subsections (D), (E), (F), (G), (H), (I), (J), and (K) of this section shall apply to all hazardous waste facilities as defined in CVMC 19.04.107, and as herein defined.

##### **C. Definitions.**

1. "Hazardous waste" shall mean a waste, or combination of wastes, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may either:

a. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness.

b. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

In addition, "hazardous waste" shall include the following:

a. Any waste identified as a hazardous waste by the State Department of Toxic Substances Control.

b. Any waste identified as a hazardous waste under the Resource Conservation Recovery Act, as amended, 42 USC Section 6901, et seq., and any regulations promulgated thereunder.

c. Extremely or acutely hazardous waste, which includes any hazardous waste or mixture of hazardous wastes which, if human exposure should occur, may likely result in death, disabling personal injury or serious illness caused by the hazardous waste or mixture of hazardous wastes because of its quantity, concentration, or chemical characteristics.

2. "Hazardous waste facility" means any facility used for the storage, transfer, treatment, recycling, and/or disposal of hazardous wastes or associated residuals as defined in CVMC 19.04.107.

---

*This page left intentionally blank.*

3. "Land use decision" shall mean a discretionary decision of the city concerning a hazardous waste facility project, including the issuance of a land use permit or a conditional use permit, the granting of a variance, the subdivision of property, or the modification of existing property lines pursuant to Title 7 (commencing with Section 65000) of the California Government Code.

D. Notice of Intent To Apply – Application for a Land Use Decision – Completeness of Application.

1. Pursuant to the provisions of State Health and Safety Code Section 25199.7(a) and (b), at least 90 days before filing an application for a conditional use permit for a hazardous waste facility, the applicant shall file with the planning department and with the Office of Permit Assistance in the State Office of Planning and Research a notice of intent (NOI) to make the application. The NOI shall be on such form as approved by the director of planning, and shall specify the project location to which it applies, and contain a complete description of the nature, function, and scope of the project.

2. The planning department shall provide public notice of the applicant's intent to apply for a conditional use permit, pursuant to the noticing procedure in CVMC 19.12.070, and by posting notices in the location where the proposed project is located.

3. Costs incurred by the city in processing said public notice shall be paid by the project proponent through establishment of a deposit account for such purposes with the planning department at the time the NOI is filed.

4. The NOI shall remain in effect for one year from the date it is filed, unless it is withdrawn by the proponent. However, a NOI is not transferable to a location other than that specified in the NOI, and in such instance the proponent proposes to change the project location, a new NOI shall be prepared, and the procedure shall begin again for the new location.

5. Within 30 days of the filing of the NOI, the applicant shall schedule a preapplication conference with the planning department to be held not later than 45 days thereafter, at which time the applicant and the planning department shall discuss information and materials necessary to evaluate the application. Within 30 days after this meeting, the director of planning shall inform the applicant, in writing, of all submittals necessary in order to deem the conditional use permit application complete.

6. The applicant may not file an application for a conditional use permit unless the applicant has

first complied with the above items, and presented the required application fee. Furthermore, said application shall not be considered and acted upon until it is deemed complete as provided by CVMC 19.14.070, and until all materials necessary to evaluate the application as set forth by the director of planning pursuant to subsection (D)(5) of this section have been received and accepted as to content.

7. An application is not deemed to be complete until the planning department notifies the applicant, in writing, that the application is complete. Said notification of completeness, or incompleteness, shall be provided within 30 days of the application submittal, or resubmittal, as applicable. After an application is determined to be complete, the planning department may request additional information where necessary to clarify, modify, or supplement previously submitted materials, or where resulting from conditions which were not known, and could not reasonably have been known, at the time the application was received.

8. The planning department shall notify the Office of Permit Assistance in the State Office of Planning and Research within 10 days after an application for a conditional use permit is accepted as complete by the planning department.

E. Preapplication Public Meeting.

1. Within 90 days after a NOI is filed with the planning department and Office of Permit Assistance in the State Office of Planning and Research pursuant to subsection (D)(1) of this section, the Office of Permit Assistance will, in cooperation with the planning department, convene a public meeting ("preapplication meeting") in the city of Chula Vista for the express purpose of informing the public on the nature, function, and scope of the proposed project and the procedures that are required for approving applications for the project.

2. The city shall arrange a meeting location in a public facility near the proposed project site, and shall give notice of said meeting pursuant to the noticing procedures in CVMC 19.12.070 and by posting at the proposed project site.

3. All affected agencies, including, but not limited to, the State Department of Health Services/Toxic Substance Control Program, regional water quality control board, county department of health services – hazardous materials management division, and the air pollution control district, shall send a representative who will explain to the public their agency's procedures for approving permit applications for the project, and outline the public's opportunities for review and comment on those applications.

**F. Local Assessment Committee – Formation and Role.**

1. At any time after filing of the NOI, but not later than 30 days after an application for a land use decision has been accepted as complete, the city council shall appoint a seven member local assessment committee (LAC) to advise the city in considering the hazardous waste facility proposal.

2. The membership of the LAC shall be broadly constituted to reflect the makeup of the city, and shall include three representatives of the city at large, two representatives of environmental or public interest groups, and two representatives of affected businesses and industries. Members of the LAC shall have no direct financial interest, as defined in Section 87103 of the California Government Code, in the proposed project.

3. The LAC is solely an advisory committee, and is not empowered with any decision-making authority relative to the proposed project, nor with the legal standing to assert specific project conditions. Rather, the LAC provides a mechanism for direct input on matters of concern to the general public into the environmental review process, and presents the opportunity for framing questions that should be addressed in that process, as well as in seeing that these questions are addressed as early in the process as possible.

4. As such, the LAC shall, within the time period prescribed by the city council, advise the city of the terms and conditions under which the proposed hazardous waste facility project may be acceptable to the community, as follows:

a. Adopt rules and procedures which are necessary to perform its duties.

b. Enter into a dialogue with the project proponent to reach an understanding on:

i. The suggested terms, provisions and conditions for project approval and facility operation which would ensure protection of public health, safety and welfare, and the environment of the city of Chula Vista and adjacent communities, and

ii. The special benefits and remuneration the proponent will provide the city as compensation for all local costs and impacts associated with the facility and its operation. Such discussions shall address fair share concepts as set forth in Section 5.5 of the general plan public facilities element, including the consideration of establishing intergovernmental agreements, and/or other compensation and incentive programs.

Said dialogue shall be responsive to the issues and concerns identified at the meeting described in subsection (G)(1) of this section.

c. With regard to subsection (F)(4)(b) of this section, any resulting proposed mitigation measures not already defined in the environmental review or permitting process would be subject to the negotiation process with the proponent, with the negotiation results forwarded as recommended terms of approval to the planning commission and city council.

d. Represent generally, in meetings with the project applicant, the interests of the residents of the city of Chula Vista and the interests of adjacent communities, as principally made known through the post-application meeting.

e. Receive and expend, subject to the approval of the city manager and authorization of the city council, any technical assistance grants made available as described in subsection (J) of this section.

f. Advise the planning department, planning commission, and the city council of the terms, provisions, and conditions for project approval which have been successfully negotiated by the committee and the proponent, and any additional information which the committee deems appropriate. The planning department, planning commission, and city council may use this advice for their independent consideration of the project.

5. The city shall allocate staff resources to assist the LAC in performing its duties, and the project proponent shall be responsible to pay the city's costs in establishing, convening, and staffing the LAC, through establishment of a deposit account for such purposes with the planning department at the time of filing an application for a land use decision.

6. The LAC shall cease to exist after final administrative action by state and local agencies has been taken on the permit applications for the project for which the committee was convened.

**G. Notice of Permit Application – Post-Application Meeting.**

1. Within 60 days after receiving the notice of a complete application as required by subsection (D)(8) of this section, the Office of Permit Assistance in the State Office of Planning and Research will convene a public meeting (“post-application meeting”) in the city of Chula Vista of the lead and responsible agencies for the project, the proponent, the LAC, and the interested public for the purpose of determining the issues which concern the agencies that are required to approve the project, and

the issues which concern the public. The planning department shall provide notice to the public of the date, time, and place of the meeting.

2. The issues of concern raised at the post-application meeting must include all environmental and permitting issues which will need to be addressed in the environmental document to ensure the document's adequacy in supporting the actions of all permitting and responsible agencies for the project.

3. The post-application meeting should be held as soon as an environmental initial study or notice of preparation is available for review and comment, so that adequate opportunity is provided for meeting input to be employed in the scoping of subsequent environmental review activities.

#### H. Environmental and Health Risk Assessments.

1. All hazardous waste facility proposals shall be required to undergo an environmental review and health risk assessment regardless of facility type, size, or proximity to populations or immobile populations.

2. As hazardous waste facilities may vary greatly in their potential public health and safety, and environmental risks, the depth and breadth of environmental review and health risk assessments must be tailored on a case-by-case basis.

3. The environmental review and health risk assessment shall serve as the primary vehicles for identifying community and involved agency concerns, and providing data to be used by the LAC and the city in negotiating project conditions. As such, within 30 days following the post-application meeting, the city shall:

a. Create an ad hoc technical committee to advise the city and the LAC on technical issues regarding the scoping and preparation of the environmental review and health risk assessment. The membership should consist of staff from each of the involved permitting or responsible agencies, an epidemiologist, a toxicologist, and any other technical experts deemed necessary or desirable.

b. Convene a meeting of involved city staff, the environmental document preparer, the LAC, the ad hoc technical committee, and the project proponent to establish the scope and content for the environmental document and health risk assessment, and the need for any other technical studies. The city council shall review the meeting outcome, and approve a final scope for the environmental review and health risk assessment prior to the commencement of work.

4. A traffic/transportation study shall be required as part of the environmental review for all hazardous waste facility proposals, and at minimum shall account for all factors addressed under the safe transportation siting criteria contained in Section 5.5 of the public facilities element of the city general plan.

5. Upon selection of a reasonable range of project alternatives under the California Environmental Quality Act, Public Resources Code Section 21000, et seq., the city, upon the advice of the LAC and ad hoc technical committee, shall establish a preferred hierarchy among those alternatives for the purpose of determining the level of qualitative and quantitative analysis that should be performed for the health risk assessment on those alternatives. In determining this preferred hierarchy and associated level of health risk assessment, consideration shall be given to the relative feasibility of each alternative to attain the stated project objectives, and the relative merits of each alternative.

6. The health risk assessment shall serve as an evaluative and decision-making tool, and shall not be construed as providing definitive answers regarding facility siting.

7. The ad hoc technical committee shall remain intact to assist, as requested, the city and the LAC in the evaluation of the final health risk assessment and any technical studies to determine acceptable levels of risk, and/or to determine the extent and type of related conditions and mitigation measures which should be applied to the project.

8. The LAC shall not finalize its recommendations for forwarding for planning commission and city council consideration until after the public review period for the draft environmental document has closed, and the LAC has had sufficient time to review any comments received.

9. Any costs associated to the formation or work of the ad hoc technical committee, in addition to any other consultant(s) the LAC deems necessary, including costs incurred in the preparation of any technical studies, shall be paid for through technical assistance grants as described in subsection (J) of this section.

#### I. Initial Consistency Determination.

1. At the request of the applicant, the city council shall, within 60 days after the planning department has determined that an application for a conditional use permit is complete and after a noticed public hearing, issue an initial written determination on whether the proposed project is consistent with both of the following:

a. The applicable provisions of the city general plan and zoning ordinances in effect at the time the application was accepted as complete.

b. The county hazardous waste management plan authorized by Article 3.5 (commencing with Section 25135) of the California Health and Safety Code, if such plan is in effect at the time of application.

2. The planning department shall send to the applicant a copy of the written determination made pursuant to subsection (I)(1) of this section.

3. The determination required by subsection (I)(1) of this section does not prohibit the city from making a different determination when the final decision to approve or deny the conditional use permit is made, if the final determination is based on information which was not considered at the time the initial determination was made.

J. Technical Assistance Grants – Local Assessment Committee Negotiations.

1. Following the post-application meeting, the LAC and the proponent shall meet and confer on the project proposal pursuant to the provisions of subsection (F) of this section.

2. Given that the rules, regulations, and conditions relative to hazardous waste facility projects are extremely technical in nature, as are the associated assessments of potential public health and environmental risks, the LAC may find that it requires assistance and independent advice to adequately review a proposed project and make recommendations. In such instance, the LAC may request technical assistance grants from the city to enable the hiring of a consultant(s) to do any, or all, of the following:

a. Assist the LAC in the review and evaluation of the project application, environmental documents, technical studies, and/or any other documents, materials and information required in connection with the project application.

b. Interpret the potential public health and safety and environmental risks associated with the project, and help to define acceptable mitigation measures to substantially minimize or eliminate those risks.

c. Advise the LAC in its meetings and discussions with the proponent to seek agreement on the terms and conditions under which the project will be acceptable to the community.

3. The proponent shall be required to pay a fee equal to the amount of any technical assistance grant authorized for the LAC. Said fee(s) shall be paid to the city, and deposited in an account to be

used exclusively for the purposes set forth in subsection (J)(2) of this section.

4. If the local assessment committee and the applicant cannot resolve any differences through the meetings, the Office of Permit Assistance in the State Office of Planning and Research may be called upon to mediate disputes.

5. The proponent shall pay one-half of the costs of any mediation process which may be recommended or undertaken by the Office of Permit Assistance in the State Office of Planning and Research. The remaining costs will be paid, upon appropriation by the legislature, from the State General Fund.

K. Additional Findings Required for Hazardous Waste Facilities. Before any conditional use permit for a hazardous waste facility may be granted or modified, in addition to the findings required by CVMC 19.14.080, it shall be found that the proposed facility is in compliance with the following:

1. The general areas policies of Section 5.5 of the public facilities element of the city general plan.

2. The siting criteria as set forth in Section 5.5 of the public facilities element of the city general plan.

3. The fair share principles established in Section 5.5 of the public facilities element of the city general plan.

4. The county of San Diego hazardous waste management plan. (Ord. 2542 § 6, 1993).

#### **19.58.180 Heliports or landing strips for aircraft.**

Heliports or landing strips for aircraft, except as part of an approved residential subdivision providing for aircraft landing, taxiing and hangaring, shall be located no closer than 600 feet from any R zone, and shall provide runways so oriented that aircraft landing and taking off do not normally pass below 200 feet directly over dwellings. Proponents shall show that adequate controls or measures will be taken to prevent offensive dust, noise, vibrations or bright lights, and proponents shall show that the field in question conforms to standards of the Federal Aeronautics Authority for the particular class of field. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(17)).

#### **19.58.190 Kennels, riding academies and public stables.**

Kennels (commercial) for dogs and cats and riding academies and public stables shall be located not less than 200 feet from any adjoining zone which prohibits such uses; shall provide auto-

mobile and truck ingress and egress; shall provide parking and loading spaces so designed as to minimize traffic hazard and congestion; and the proponent shall show that odor, dust, noise or drainage shall not constitute a nuisance or a hazard to adjoining property or uses. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(18)).

#### **19.58.200 Labor camps.**

No labor camp structure shall be located closer than 20 feet from any property line, and not closer than 50 feet from the front lot line. When adjoining an R zone, no structure shall be closer than 100 feet from the adjoining property line. The aggregate site area shall contain not less than 3,000 square feet of land area for each tent or trailer space or cabin or for each three workers, and no structure shall be closer than 10 feet from any other structure. A usable recreation area shall be provided for each labor camp, and shall contain not less than 200 square feet of area for each dwelling space or unit or each three workers. Access roads and parking areas shall have a durable and dustless surface and areas shall be so graded as to dispose of all surface water accumulated within the area. A temporary certificate of occupancy will be issued for a period not to exceed one year, subject to renewal. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(19)).

#### **19.58.205 Mixed commercial-residential projects in the C-C-P zone.**

Mixed commercial-residential projects may be allowed in the C-C-P zone upon the issuance of a conditional use permit and subject to the following standards and guidelines:

A. The conditional use permit shall be subject to review and approval of the city council following the recommendation of the planning commission;

B. The commercial and residential components shall be planned and implemented together;

C. The maximum allowable residential density will be governed by the provisions of the R-3 zone based on the total project area, less any area devoted exclusively to commercial use, including commercial parking and circulation areas. The approved density may be significantly less than the maximum allowable density depending on site specific factors, including the density and relationship of surrounding residential areas, if any;

D. Parking, access and circulation shall be largely independent for the commercial and residential components of the project. Each use com-

ponent shall provide off-street parking in accordance with city standards;

E. The residential component shall meet the private and common open space requirements of the R-3 zone;

F. The conditional use permit may include a restriction on commercial uses and/or business hours in order to avoid conflicts with residential units. (Ord. 2295 § 1, 1989).

#### **19.58.210 Motels and hotels.**

Any motel or motel/hotel site shall have a minimum site area of 20,000 square feet and shall contain not less than 1,000 square feet per sleeping unit for one-story units, 800 square feet per sleeping unit for two-story units, or 600 square feet per sleeping unit for units over two stories. The buildings shall not occupy in the aggregate more than 40 percent of the area of the lot. All areas not used for access, parking, circulation, buildings and services shall be completely and permanently landscaped and the entire site shall be maintained in good condition. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(21)).

#### **19.58.220 Nursing homes.**

The following requirements shall apply to nursing homes (see Definitions, CVMC 19.04.162):

A. Approval must be obtained from proper agencies concerning health and safety conditions, and said home must be licensed by such agencies;

B. An off-street loading area shall be provided (see CVMC 19.62.140);

C. If an unenclosed incinerator is provided, it shall be located on the rear one-half of the property and the stack shall not be closer than 30 feet to any neighboring dwelling. The effluent from such stack shall comply with the performance standards of this title. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(22)).

#### **19.58.225 Off-site advertising signs.**

*Repealed by Ord. 2924 § 3, 2003.* (Ord. 2296 § 7, 1989).

#### **19.58.230 Parking lots and public garages.**

Parking lots and public garages shall be permitted only where:

A. They are clearly required by public convenience and necessity;

B. They do not break up continuity of retail store frontage for pedestrians;

C. They will not be a nuisance to residences or other surrounding uses;

D. They will not cause traffic hazards or undue traffic congestion;

E. They conform architecturally to the surrounding area;

F. Street trees are provided. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(23)).

#### **19.58.240 Poultry farm.**

(See definition in CVMC 19.04.184).

A. Any building housing over 10 chickens or other poultry shall be distant not less than 100 feet from every lot line.

B. The proponent shall show that odor, dust, noise or drainage shall not constitute a nuisance or hazard to adjoining property or uses. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(24)).

#### **19.58.244 Professional offices in the R-1 and R-3 zones.**

It is the intent of this section to allow for limited professional offices on certain lots with existing buildings in the R-1 and R-3 zones, when the planning commission approves a conditional use permit therefor by applying the following guidelines:

A. The lot should contain at least 12,500 square feet of level, developable land;

B. The lot is developed with a house or other structure which has been designated a historic site or has been recognized as having historic importance and has been entered into the historic register, as provided in Chapter 2.68 CVMC;

C. The lot is within 300 feet of a thoroughfare or a heavily traveled collector road;

D. The use proposed on the lot is limited in scope so as not to generate substantial vehicular traffic on residential streets;

E. Physical changes to the structure or structures and landscaping which are not in keeping with the basic design and character of the property are prohibited. (Ord. 1822 § 3, 1978).

#### **19.58.245 Ambulance services.**

Ambulance services may be located in any zone. Ambulance services can be incorporated into a hospital complex or other governmental facility. When approving a conditional use permit for ambulance services in a residential zone that is not part of a hospital complex and not located in a federal, state or local government facility, the planning commission shall incorporate the following conditions:

A. The service must be limited to the staging and dispatching of one ambulance from a residential structure or unit.

B. At least three dedicated parking spaces for an ambulance and two employees are required. The parking spaces shall be on-site and meet city standards for size, paving, access and screening.

C. Except for shift changes and periodic inspections by managers, no more than three employees shall be on-site at any given time.

D. Any other requirements the planning commission deems appropriate to minimize impacts on the residential neighborhood.

Fleet maintenance or the storing of multiple ambulances shall not be allowed in a residential zone, even if the use is part of a hospital complex or located at a government facility. Vehicles that are on-call shall not be considered "stored." (Ord. 2958 § 3, 2004).

#### **19.58.260 Repair of vehicles.**

A. Repair, except as stated in subsection (B) of this section, of motorcycles, motor trucks and motor vehicles, as defined in the Vehicle Code of the state of California, as well as boats, campers, and trailers, is prohibited in any residential zone unless all of the following conditions are met:

1. Repair (except as stated in subsection (B) of this section) of vehicles, boats, campers and trailers shall be conducted within a garage or carport or behind a solid fence, gate or wall not less than six feet in height;

2. No repair of vehicles, boats, campers and trailers shall be conducted as a business;

3. No repair of vehicles, boats, campers and trailers shall take place between the hours of 10:00 p.m. and 8:00 a.m.

B. Nothing in this section is intended to prohibit the making of minor repairs, such as tire changing or repair, replacement of spark plugs and minor engine adjustments or repair, lubrication, battery and brake adjustments or repair by an owner on the vehicle on said owner's lot, where said vehicle may be legally parked as determined by other sections of this code.

C. Storage of Inoperable Vehicles.

1. No more than one vehicle or one boat, or one camper, or one trailer shall be in a state of disrepair or in an inoperable condition at any one time on any lot.

2. No vehicle in a state of disrepair or in an inoperable condition may be located outside of a garage or carport or solid fence, gate or wall not



less than six feet in height for a period of more than 72 hours.

3. No parts of a vehicle, boat, camper or trailer shall be located outside of a garage, carport or solid fence, gate or wall not less than six feet in height for a period of more than 72 hours. (Ord. 2308 § 1, 1989; Ord. 2176 § 5, 1986; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(26)).

**19.58.270 Retail sales for guests only.**

Community buildings, private clubs, lodges and social or recreational establishments may engage in retail sales for guests only; provided, that:

A. There shall be no external evidence of any commercial activity, nor any access to any space used for commercial activity other than from within the building;

B. There shall be no harm to adjacent existing or potential residential development due to excessive traffic generation or noise or other circumstances. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(27)).

**19.58.280 Service stations.**

Service stations are subject to the following requirements and conditions:

---

*This page left intentionally blank.*

A. They are clearly required by public convenience;

B. They will not cause traffic hazards or undue congestion;

C. They should be located only on property abutting the intersection of major or collector streets or combination thereof, or within shopping centers as part of an approved site plan; except, that they shall be limited to the periphery of the central business area. They may be located on an interior lot if they do not disrupt the continuity of retail store frontage for pedestrians;

D. They will not be a nuisance to residences or other surrounding uses;

E. The site shall be landscaped in accordance with the landscape manual of the city; except, that a six-foot minimum planter area in front of the pump islands and not closer than three feet to any driveway shall be required. The pump islands shall be located no closer than 12 feet from the planter;

F. Architectural and site plan approval subject to the conditions of CVMC 19.14.420 through 19.14.480 shall be obtained.

Note: Where a service station is a secondary land use, i.e., accessory to another principal use and consisting of no more than a single pump island with no more than three fuel pumps, the following provisions shall not apply:

G. Outside sales and display may be allowed in an area beneath a canopy when specifically approved as part of an approved site plan. Structures used to display merchandise shall be designed to be architecturally compatible with the main building. In no case shall a display area interfere with vehicular circulation or obscure required landscaped areas. Accessory uses may also be stored outside subject to the conditions herein;

H. Accessory outdoor uses, other than parking and service lanes, shall also be allowed but shall not occupy more than 10 percent of the area of the site. Such accessory uses may include rental, utility or travel trailers, but not more than six such trailers shall be permitted on the lot at any one time and shall be screened from the street or highway. Under no circumstances shall any use be located in such a way that would interfere with normal traffic flow onto, within or from the site, or which creates dangerous impediments to traffic visibility. Only those areas shown on the approved site plan will be allowed for parking or storage;

I. All items offered for sale on the site shall be items normally incidental to service station business except accessory uses as provided herein. (Ord. 2162 § 1, 1986; Ord. 1436 § 2, 1973; Ord.

1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(28)).

#### **19.58.290 Shooting clubs.**

An outdoor shooting club shall be located not less than one-half mile from any developed residential, commercial or industrial area, or place of public assembly. A conditional use permit for an indoor or outdoor shooting club may be granted to be in force for one year only, after which a certificate may be resumed for a period of one year at the expiration of each temporary certificate, provided the above requirements can continue to be met. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(29)).

#### **19.58.310 Stables and corrals.**

A. The minimum lot area upon which one or two horses may be kept is 20,000 square feet. One additional horse may be kept for each 20,000 square feet over the minimum lot area of 20,000 square feet.

B. The horse(s) must be maintained within an enclosure.

C. A distance of 100 feet shall be maintained from the enclosure to any neighbor's residence, school, church, or any other building, excluding the owner's, used for human habitation.

D. A distance of 25 feet shall be maintained from the owner's residence to the enclosure.

E. The horse enclosure must maintain all existing setbacks as stated in the applicable zone.

F. Stables and corrals shall be located on the rear portion of the lot behind the residence.

G. Any horse(s) presently being maintained in conformity with the regulations of either the city of Chula Vista or the county of San Diego on the effective date of the ordinance codified in this title as applied to the property where said horses are being maintained may continue to be so maintained in accordance with said rules. (Ord. 1364 § 1, 1971; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(31)).

#### **19.58.320 Tract office, temporary.**

Within the boundaries of a subdivision where lots are offered for sale to the public for the first time, buildings and structures erected in compliance with the provisions of the prevailing zone may be used as follows:

A. One building for a temporary real estate sales office, and not more than six dwellings for temporary demonstration or model home purposes, may be provided. In addition, a subdivision containing

more than 60 lots may use up to 10 such lots for model home purposes. Such temporary uses shall be made only in conjunction with the sale or rental of land or buildings within such subdivisions, and such use or uses shall terminate two years after the filing in the office of the county recorder of the final subdivision map thereon, or 60 days after the sale of the last house, whichever comes first. After the time limit has expired, all commercial activity shall cease and the temporary office building, if any, shall be converted to a conforming use or removed at the owner's expense. At the termination of such office use, all necessary alterations to convert the temporary office to residential use or removal of said building shall be made.

B. If alterations are needed in the initial conversion from a house to a temporary office, the following shall be done: a \$250.00 penal bond shall be filed with the city clerk to assure said work will be completed. Upon a recommendation from the director of planning and building or his authorized deputy, he shall approve or reject the final alteration work.

C. The zoning administrator shall determine the need for off-street parking, based on the location of model homes in relationship to adjoining subdivisions, the size of the subdivision, the character of the street, and the expected duration of model home area use. (Ord. 2790, 1999; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(32)).

### **19.58.330 Trailers.**

(See definition in CVMC 19.04.298.)

A. It is unlawful to use a camping trailer, motor home, camper, or travel trailer for living or sleeping purposes except when parked within a licensed recreational vehicle park or mobilehome park, as provided elsewhere in this title, or when used on a temporary basis not to exceed a period of seven days by guests or visitors of residents of the city and said vehicle is parked upon the property of the resident.

B. It is unlawful to use a trailer, excluding commercial coach units, as a business office in any zone; except, that a general contractor and/or property owner or lessee may obtain a temporary permit for the parking of one or more mobilehomes, motor homes, campers or travel trailers for watchmen, supervisory or other special personnel, or for use as a temporary office at or immediately adjoining a major construction site upon commencement of such construction. Any such permit shall be issued only by the director of planning and building of the

city after an application, in writing, is submitted by the general contractor specifying:

1. The number and type of such vehicles;
2. The reasons their presence is necessary at the site at times other than normal work hours;
3. The period for which the permit is sought;
4. The vehicles for which a permit was issued shall be removed from the premises 10 days after final inspection.

C. Commercial coach units may be utilized for a maximum of 25 percent of the total industrial and/or commercial floor area available to a particular use; provided, that if visible from a public street or from adjoining properties, the coach units shall be made architecturally compatible with and complementary to the balance of the structures on the same and adjacent sites.

D. Commercial coach units may be utilized as temporary building space in conjunction with public or quasi-public uses located in residential zones, and in conjunction with public, quasi-public, and private uses, such as banks, insurance offices, savings and loan institutions, public utility offices, and similar public-service-based uses in commercial and industrial zones; provided, that a conditional use permit is procured for each commercial coach so utilized. All conditional use permits granted for the utilization of commercial coaches as temporary building space shall be limited to a period of not more than two years; provided, however, that the permittee may apply to the planning commission for an extension of time, which the commission may grant for a maximum of one additional year.

E. A mobilehome, certified under the National Mobile Home Construction and Safety Standards Act of 1974 (USC Section 5401, et seq.), may be placed on a permanent foundation on a private lot in the A and R-1 zones and on lots designated for single-family detached dwelling units in the P-C zone; provided, that:

1. It may be occupied only as a residential use;
2. All development standards of the underlying zone pertaining to conventional single-family development are complied with; and
3. The foundation is in compliance with all applicable building regulations. (Ord. 2790, 1999; Ord. 1941 § 1, 1981; Ord. 1711 § 2, 1976; Ord. 1518 § 1, 1974; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(33)).

### **19.58.340 Recycling and solid waste storage.**

A. All subdivisions or any new construction requiring a building permit and costing more than

\$20,000 to construct (“qualifying project”) shall include adequate, accessible, and convenient areas dedicated for the accumulation, temporary storage and removal of designated recyclables and solid waste. These recycling and solid waste areas shall be enclosed within a minimum five-foot-high masonry wall or higher if deemed necessary by the director of planning to adequately screen the area, built to standards adopted by the city for a free-standing wall (No. 4 steel and fully grouted) and shall be designed to accommodate the containers used by the recycling and solid waste service company contracted with the city. A wooden enclosure may be substituted for a wall in the C-O zone and multiple-family zones by the director of planning.

B. A recycling and solid waste plan shall be submitted by the applicants of any qualifying project. Said plan shall be reviewed and approved by the city manager or his/her designee. A plan must comply with city and state solid waste and recycling regulations/standards before it can be approved. Building permits may not be issued until the plan is approved.

C. A recycling and solid waste planning manual setting forth recycling and solid waste space allocation regulations, design standards, and guidelines shall be drafted by the city manager and adopted by the city council.

D. The precise location of any recycling and solid waste area shall be approved by the director of planning upon review of the site plan. Recycling and solid waste areas shall be accessible and convenient to both the occupants and franchise hauler and shall only be used for the temporary storage, collection and loading of solid waste and recyclables.

E. Recycling and solid waste enclosures shall be permanently maintained; recycling and solid waste areas shall be kept neat and clean; and approved recycling and solid waste plans shall be adhered to and followed. (Ord. 2993 § 1, 2005; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(34)).

#### **19.58.345 Recycling collection centers.**

Recycling collection centers may be permitted within any commercial or industrial zone which is also located within a convenience zone identified by the state of California Department of Resources, under the provisions of the California Beverage Container Recycling and Litter Reduction Act of 1986. Establishment of such centers shall comply with the following:

A. Reverse vending machines with a combined area of no more than 150 square feet and a height of no more than eight feet total may be permitted as an accessory use subject to site plan approval by the planning department. Reverse vending machines which are placed within an enclosed building occupied by the primary use do not require approval of a site plan.

B. Small collection facilities occupying an area of no more than 300 square feet may be permitted as an accessory use subject to approval of a conditional use permit granted by the zoning administrator.

C. Large recycling collection centers with a combined area of over 300 square feet, but not exceeding the floor area equivalent of a 30-person occupancy load, may be permitted as an accessory or primary use subject to the approval of a conditional use permit granted by the planning commission, and with approval of an application for site plan and architectural review by the design review committee.

D. The premises of all recycling collection centers shall be kept free of all litter and debris, and all recyclable articles removed prior to any storage container reaching capacity. Approval of a site plan or conditional use permit may be revoked by the permitting authority upon presentation of evidence that a recycling collection center is not maintained in a safe and sanitary manner.

E. Recycling collection centers shall be developed and operated in accordance with the design standards for recycling centers adopted by city council policy.

F. The regulations set forth in this section shall also apply to recycling collection facilities in existence prior to adoption of the ordinance codified in this chapter. Existing facilities shall have 60 days from the date of adoption to obtain required discretionary permits. (Ord. 2252 § 1, 1988; Ord. 2233 § 1, 1987).

#### **19.58.350 Commercially zoned double frontage lots.**

Any commercially zoned parcel which has double frontage, one such frontage being on a local street, across which street is residentially zoned land, shall observe the following regulations:

A. Vehicular access to the local street shall be discouraged and permitted only upon planning commission approval.

B. A six-foot-high decorative masonry wall shall be constructed across the entire width of the parcel at a minimum of 10 feet behind the edge of

the sidewalk or as otherwise designated by the planning commission. The design of the wall shall be uniform throughout the area in which located, and such design shall be subject to the approval of the director of planning.

C. The area between the wall and the edge of the sidewalk shall be permanently landscaped. Such landscaped area shall be provided with an automatic irrigation system and shall be permanently maintained and kept free of debris. A landscape plan shall be submitted to the director of planning for approval prior to any planting.

D. The wall and landscaping shall be provided prior to the final building inspection of any improvements to be constructed on the premises.

E. If any dwelling units which face the local street exist on such parcel, the dwelling units shall be removed prior to the new commercial development or enlarging of existing commercial development, unless such dwellings are converted for commercial purposes (this situation does not negate the other provisions of this section).

F. If new or enlarged commercial development occurs adjacent to the existing dwelling units which face a local street, a fence separating the property shall also be constructed on the side lot line, the length of such fence to be determined by the director of planning. Such a fence may be of wood construction. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(35)).

#### **19.58.360 Zoning wall or fence.**

A six-foot-high minimum solid masonry wall subject to the provisions of CVMC 19.58.150 shall be erected along the property line or zoning boundary to separate any C or I zones and/or uses from adjacent residential zones. A six-foot-high maximum solid fence shall be erected along the property line or zoning boundary to separate multiple-family zones and/or uses from abutting single-family residential zones or areas. Said wall or fence may be waived by the planning commission if it is found that the adjacent areas would be sufficiently screened and protected without said wall or fence. (Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(36)).

#### **19.58.370 Outside sales and display – Permanent and temporary.**

A. Permanent. The permanent outside sales and display of merchandise, including vending machines of all types and coin-operated amusements, shall be permitted only when included as part of an approved site plan subject to the condi-

tions herein. Service stations are subject to the provisions of CVMC 19.58.280.

1. The following items shall be considered for outside display:

- a. Vending machines of all types;
- b. Coin-operated amusements, excluding games such as pinball machines;
- c. Vehicles of all types, including boats;
- d. Magazines, newspapers and books;
- e. Flowers, including artificial;
- f. Art displays;
- g. Plants;
- h. Model storage buildings, patios and additions;
- i. Any other item which is determined by the planning commission to be of the same general character;
- j. Any other item specifically approved by the planning commission to be displayed in an area specifically designed for said merchandise.

2. Conditions.

- a. Vending machines and coin-operated amusements shall whenever possible be within an enclosed area or structure specifically designed to accommodate said items;
- b. The outside display shall not interfere with pedestrian or vehicular circulation;
- c. Model storage buildings, patios and additions shall not be located in any area facing a major or collector street, or at the main entrance to the building;
- d. Plants shall be the only items in a plant nursery visible from the street;
- e. No outside display shall be of such size or quantity as to alter the architectural appearance of the building;
- f. A 10-foot landscaped area shall be provided between vehicle display areas and the street. Any item not located within a building or solid enclosure shall be deemed to be outside display and subject to the conditions herein.

3. The following merchandise shall be expressly prohibited from outside display:

- a. Furniture;
  - b. Clothing;
  - c. Appliances;
  - d. Play equipment;
  - e. Dry goods;
  - f. Soil additives;
  - g. Tires, excluding service station as provided herein;
  - h. Used goods, except as provided herein.
- B. Temporary. Temporary outside sales and display of merchandise for a period of 24 days in

any calendar year, but not exceeding seven consecutive days, shall be permitted upon approval of a temporary outside sales permit by the zoning administrator. Not more than six permits a year shall be issued to any one business or shopping complex. Each such permit shall be accompanied by the required filing fee(s).

Upon application for a permit, the applicant shall submit two site plans showing the location of the proposed outside sales area. The plan shall include sufficient information to insure that the display and sales will be conducted in a safe and proper manner and will not obstruct traffic or cause a hazardous condition based on the standards adopted by the city. The permit shall designate the commencement and termination dates.

1. Other Required Conditions.

a. The application shall be submitted for approval a minimum of two days prior to the requested date of commencement.

---

*This page left intentionally blank.*



b. There shall be a minimum of 30 days between the commencement dates of the permit.

c. Temporary outside sales are prohibited in the C-O, C-N and C-V zones.

d. The sales area shall maintain a 25-foot setback from the street when within an area designated for parking.

e. The sales area may utilize a portion of required parking to a maximum of 20 percent.

f. The sales area shall not interfere with the internal circulation of the site.

g. Pennants may be used only for safety and precautionary purposes.

h. The sales area shall be kept in a neat and well-kept manner at all times.

i. Price signs may be used but shall not exceed 12 by 16 inches.

j. Other signs may be allowed subject to zoning administrator approval. Said signs shall not exceed two square feet of lineal street frontage of the sales area.

k. Promotional items allowed in conjunction with a special event, such as anniversaries and grand openings, are not subject to the provisions herein except when an outside sales permit is requested.

l. Only merchandise customarily sold on the premises shall be considered for temporary outside sales and display. (Ord. 2506 § 1, 1992; Ord. 2011 § 2, 1982; Ord. 1436 § 3, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901 (B)(37)).

#### **19.58.380 Special events.**

A. Any business may request a permit for the use of temporary promotional signs and promotional items in conjunction with the following special events: grand openings, change of business address, change of ownership or lessee, and business anniversaries. If a business is part of a parent organization, the anniversary of the parent company may be used in lieu of the business anniversary during the calendar year.

B. The maximum time limit for a special event shall not exceed 14 consecutive days.

C. The applicant shall submit a statement stating the reason for the special event and indicating the commencement and ending date. The applicant shall also submit a site plan indicating the location and area of signs and location of promotional items. Each permit shall also be accompanied by the required filing fee(s).

D. Promotional items are subject to the following approval:

1. They may not be located in the front setback;

2. They shall not interfere with internal circulation or eliminate required parking;

3. They shall not be indiscriminately placed or be of such quantity as to present a cluttered and unsightly appearance.

E. Pennants may only be used in conjunction with grand openings and change of ownership or lessee.

F. The planning department shall issue to the applicant a special event permit, upon approval of the applicant's request. The reason for the special event shall be conspicuously displayed on a sign for the duration of the event. (Ord. 2506 § 1, 1992; Ord. 2011 § 1, 1982; Ord. 1436 § 3, 1973; Ord. 1356 § 1, 1971; Ord. 1212 § 1, 1969; prior code § 33.901(B)(38)).

#### **19.58.390 Senior housing development.**

Pursuant to CVMC 19.54.020, housing developments for seniors, as defined in CVMC 19.04.201, may be allowed in any zone except the R-1, R-2, C-V, C-T and industrial zones. Because the residents of such development have dwelling characteristics which differ from those of families and younger persons, it is not appropriate to apply all of the normal zoning standards thereto. Accordingly, pursuant to the processing of a conditional use permit for such developments, as required by CVMC 19.54.020(P), the planning commission and city council may make exceptions to the density, off-street parking, minimum unit size, open space, and such other requirements as may be appropriate. The planning commission and city council may also adjust required setbacks, building height, and yard areas as appropriate to provide an adequate living environment both within the development and on nearby properties. Any exceptions and adjustments shall be subject to the condition that the development will be available for occupancy by seniors only. (Ord. 1878 § 3, 1979).

#### **19.58.400 Recreational vehicle storage yards.**

An application to establish a recreational vehicle (RV) storage yard (storage area for motorhomes, camping trailers, boats and other recreation equipment) shall address the following issues: (1) height limit for stored items, (2) screening (landscaping and fencing), (3) surfacing, (4) access to the site, (5) office facilities, (6) customer parking, (7) lighting, (8) hours of operation, (9) security, (10) signing, (11) surrounding land uses and structures. The application shall also be accompanied

by a comprehensive list of items which would be eligible for storage. Any subsequent additions to the list shall be subject to the approval of the director of planning and building.

The approval of an RV storage yard judged by the commission to represent an interim use of land based upon zoning, development patterns, and/or pending plans in the area shall be subject to a review and report filed each year by the owner with the city zoning administrator. Failure to file the report or abide by the conditions of approval shall cause the matter to be set for a rehearing before the commission to consider revocation of the permit or other appropriate corrective action. Permits for interim RV storage yards shall be granted for a maximum period of five years with extensions subject to rehearing before the commission. (Ord. 2790, 1999; Ord. 2169 § 2, 1986).

#### **19.58.410 Prohibition of flashing lights.**

Lights in view of any public street of adjoining properties used to convey the effect of movement are prohibited. Intermittent or variable intensity lights or flashing lights are prohibited, with the exception of holiday lights during the month of December. (Ord. 2353 § 1, 1990).

#### **19.58.420 Water distribution facilities.**

Water distribution facilities shall be limited by permit in their scope of activities and operations to a level commensurate with the nature and character of the surrounding area. Permits shall be further limited to a duration of six months, subject to zoning administrator extension of not to exceed one additional year, in six-month increments, as necessary to meet a continuing water state of emergency. Permits shall be expressly conditioned to expire automatically upon the effective date that the metropolitan water district declares that the drought severity falls below Stage VI of its incremental interruption and conservation plan. (Ord. 2449 § 2, 1991).

## **Chapter 19.60**

### **SIGNS**

#### **Sections:**

19.60.005	Title.
19.60.010	Purpose.
19.60.020	Balancing.
19.60.030	Intent.
19.60.040	Scope.
19.60.050	Standard provisions.
19.60.060	Definitions.
19.60.100	Sign area.
19.60.110	Sign height.
19.60.120	Sign illumination.
19.60.200	Support requirements.
19.60.210	Materials.
19.60.220	Construction standards.
19.60.300	Prohibited signs.
19.60.400	Sensitive zones – Basic signage allowance.
19.60.410	R-3 zone.
19.60.430	MHP zone.
19.60.450	P-C zone.
19.60.500	Sign rules – All commercial zones.
19.60.510	Commercial – Administrative and professional office (C-O) zone.
19.60.520	Central business (C-B) zone.
19.60.530	Neighborhood commercial (C-N) zone.
19.60.540	Central commercial (C-C) zone.
19.60.550	Visitor commercial (C-V) zone.
19.60.560	Commercial thoroughfare (C-T) zone.
19.60.570	Industrial research (I-R) zone.
19.60.580	Limited industrial (I-L) zone.
19.60.590	General industrial (I) zone.
19.60.595	Other zones.
19.60.600	Specialty signs.
19.60.700	Signs permits.
19.60.800	Permit applications.
19.60.810	Processing of applications.
19.60.900	Removal of certain signs.
19.60.930	Amortization of nonconforming on-site signs.

#### **19.60.005 Title.**

This chapter shall be known as the sign ordinance. (Ord. 2924 § 2, 2003).

#### **19.60.010 Purpose.**

Among the purposes and interests to be served by this chapter are the following:

A. To serve, protect and enhance the public health, safety and welfare of the city and the people who live in, work, or visit it;

B. To promote and accomplish the goals, policies and strategies of the general plan;

C. To balance the public interests in community aesthetics against the signage needs of establishments and persons who wish to express information or a message by displaying a sign;

D. To promote the free flow of traffic and protect motorists, cyclists and pedestrians from injury and property damage which could be caused, in whole or in part, by cluttered, distracting, confusing, or illegible signage;

E. To prevent personal injury and property damage from signs which are improperly placed or constructed, or poorly maintained;

F. To prevent the depreciation of property values which could be caused by inappropriate signage;

G. To protect, preserve and enhance property values, the local economy, and the quality of life by governing the appearance of the streetscapes that affect the image of the city;

H. To prevent interference with or obstruction of the proper conduct of legitimate establishments in the city which result from the erection and placement of poorly designed signs which are unsightly, improperly located, disproportionate and disharmonious with adjacent signs or structures and therefore tend to be both economically and aesthetically undesirable;

I. To authorize and direct the zoning administrator to enhance the aesthetic appearance of the city and to promote the economic well-being of the community;

J. To promote the use of signs which positively contribute to the aesthetics of the community, are appropriate in scale to the surrounding buildings and landscape, and to advance the city's goals of quality development;

K. To provide standards regarding the non-communicative aspects of signs, which are consistent with applicable provisions of city, county, state and federal law. (Ord. 2924 § 2, 2003).

#### **19.60.020 Balancing.**

This chapter states the policy decisions regarding display of signs, made by the city council after carefully balancing many competing factors and interests. This chapter consolidates all general provisions relating to the installation, regulation and amortization of signs on private property throughout the city of Chula Vista. (Ord. 2924 § 2, 2003).

#### **19.60.030 Intent.**

In adopting and enforcing this chapter, the city intends to:

A. Provide flexibility and encourage variety in signage, and create an incentive to relate signage to the basic principles of good design;

B. Assure that the benefits derived from the expenditure of public funds for the improvement and beautification of streets, sidewalks, public parks, public rights-of-way, and other public places and spaces, are protected by exercising reasonable controls over the physical characteristics and structural design of signs;

C. Improve the visual environment for the citizens and residents of, and visitors to the city;

D. Protect prominent viewsheds within the community;

E. Provide recovery mechanisms for the costs of administering this chapter. (Ord. 2924 § 2, 2003).

#### **19.60.040 Scope.**

This chapter regulates signs, as defined in this chapter, which are placed on private property or on property owned by public agencies other than the city of Chula Vista and over which the city has zoning authority. (Ord. 2924 § 2, 2003).

#### **19.60.050 Standard provisions.**

The policies, rules and regulations stated in this section apply to all signs within the regulatory scope of this chapter, and to all provisions of this chapter, notwithstanding any more specific provisions to the contrary.

A. Message Neutrality. It is the city's policy to regulate signs in a constitutional manner, which is content neutral as to noncommercial signs and viewpoint neutral as to commercial signs.

B. Regulatory Interpretations. All regulatory interpretations of this chapter are to be exercised in light of the city's message neutrality policy. Where a particular type of sign is proposed in a permit application, and the type is neither expressly allowed nor prohibited by this chapter, or whenever a sign does not qualify as a "structure" as defined in the California Building Code, then the director shall approve, conditionally approve or disapprove the application based on the most similar sign type that is expressly regulated by this chapter.

C. Substitution of Messages. Subject to the land owner's consent, a noncommercial message of any type may be substituted for any duly permitted or allowed commercial message or any duly permit-

ted or allowed noncommercial message; provided, that the sign structure or mounting device is legal without consideration of message content. Such substitution of message may be made without any additional approval or permitting. This provision prevails over any more specific provision to the contrary within this chapter. The purpose of this provision is to prevent any inadvertent favoring of commercial speech over noncommercial speech, or favoring of any particular noncommercial message over any other noncommercial message. This provision does not create a right to increase the total amount of signage on a parcel, nor does it affect the requirement that a sign structure or mounting device be properly permitted.

D. Rules for Noncommunicative Aspects of Signs. All rules and regulations concerning the noncommunicative aspects of signs, such as location, size, height, illumination, spacing, orientation, etc., stand enforceable independently of any permit or approval process.

E. Billboard Policy. The city completely prohibits the construction, erection or use of any billboards, other than those which legally exist in the city, or for which a valid permit has been issued and has not expired, as of the date on which this provision is first adopted. The city adopts this policy pursuant to California Government Code Section 65850, California Business and Professions Code Sections 5354(a) and 5408.3 (both effective January 1, 2003). No permit shall be issued for any billboard which violates this policy, and the city will take immediate abatement action against any billboard constructed or maintained in violation of this policy. The city council affirmatively declares that it would have adopted this billboard policy even if it were the only provision in this chapter. The city council intends for this billboard policy to be severable and separately enforceable even if other provision(s) of this chapter may be declared, by a court of competent jurisdiction, to be unconstitutional, invalid or unenforceable. This provision does not prohibit agreements to relocate presently existing, legal billboards, as encouraged by California Business and Professions Code Section 5412.

F. Multiple Use Zones. In any zone where both residential and nonresidential uses are allowed, the signage rights and responsibilities applicable to any particular use shall be determined as follows: residential uses shall be treated as if they were located in the residential use where that type of use would be allowed as a matter of right, and nonresidential uses shall be treated as if they were located

in a zone where that particular use would be allowed, either as a matter of right or subject to a conditional use permit or similar discretionary process.

G. Severance. If any section, sentence, clause, phrase, word, portion or provision of this chapter is held invalid or unconstitutional, or unenforceable, by any court of competent jurisdiction, such holding shall not affect, impair, or invalidate any other section, sentence, clause, phrase, word, portion, or provision of this chapter which can be given effect without the invalid portion. In adopting this chapter, the city council affirmatively declares that it would have approved and adopted the chapter even without any portion which may be held invalid or unenforceable.

H. Land Owners' Consent. No sign may be displayed without the consent of the legal owner of the property on which the sign is mounted or displayed. For purposes of this policy, "owner" means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property.

I. Legal Nature of Signage Rights and Duties. As to all signs attached to property, real or personal, the signage rights, duties and obligations arising from this chapter attach to and travel with the land or other property on which a sign is mounted or displayed. This provision does not modify or affect the law of fixtures, sign-related provisions in private leases regarding signs (so long as they are not in conflict with this chapter), or the ownership of sign structures.

J. Sign Programs. Sign programs, voluntarily proposed for specific developments, as well as special sign districts or special sign overlay zone, when approved by the planning commission or the city council may modify the rules stated herein as to sign size, height, illumination, spacing, orientation or other noncommunicative aspects of signs, but may not override or modify any of these standard provisions. All the provisions of this section shall automatically apply to and be deemed a part of any sign program approved after the date on which this provision is initially adopted. (Ord. 2924 § 2, 2003).

### **19.60.060 Definitions.**

As used in this chapter, the following words have the meanings given in this section. These definitions also apply to sign-related provisions of other chapters, unless a different definition is given for that chapter. In the case of an approved sign program, any definitions given therein shall apply

within that sign program, unless such definition leads to a violation of any of the “standard provisions” stated in CVMC 19.60.050; for terms used in a sign program but not defined therein, these definitions also apply.

“Abandoned sign” means any sign remaining in place or not maintained for a period of 90 days which no longer advertises or identifies an ongoing establishment, product, or service available on the premises where the display is located.

“Accessory use,” in the context of this chapter, means a sign which is an accessory to, and clearly incidental to, the principal use on the same or adjoining parcel, lot, or property. In the context of commercial messages on signs, it means an on-site sign.

“Air activated signs” means those signs which are inflated or inflatable, as well as those which are activated by wind or forced air or gas.

“Animated sign” means any sign which is designed and constructed to call attention, or to give its message, through a sequence of progressive changes in lighting, or of parts, including flashing, rotating or revolving signs.

“Approved sign” means a sign for which a sign permit application has been received in accordance with CVMC 19.60.700 and approved by the city.

“Area,” when used in reference to the size of a sign, means the area of the sign face or display, expressed in square feet.

“Auxiliary sign” means any sign whose primary function is to direct, inform, instruct or warn by stating objective facts about which there can be no meaningful debate. Examples: accessible parking, all deliveries in back, hours of operation, danger high voltage, etc.

“Background area” means an area in one continuous plane, and not interrupted by architectural features, lines or colors, upon which a sign’s copy is applied.

“Banner” means a strip of cloth, fabric, nonrigid paper, plastic or similar flexible material, on which is displayed sign copy. Banners are typically hung or suspended from fences, walls, or posts or poles.

“Billboard” means a permanent structure sign, located on private property, on which is displayed off-site commercial messages, as well as any permanent structure which is a principal use (as opposed to an accessory use) of the property on which it is built, on which messages are displayed. A billboard may be freestanding or attached to other structures.

“Building frontage” means the total width of the elevation of a building that fronts on a private or

public right-of-way or the building elevation along which the main entrance exits. For the purposes of calculating permitted sign area, every building has only one building frontage. For corner buildings or through lots the larger width shall be used in calculating permitted sign area. If more than one establishment or occupancy is located in a single building, then such area shall be limited to that portion which is occupied by each individual establishment or occupancy.

“Canopy sign” means visual display attached to the underside of a projecting canopy or marquee protruding over public or private sidewalks or rights-of-way.

“Changeable copy sign” means a sign or portion thereof with characters, letters or illustrations that can be changed or rearranged without altering the face or surface of the sign.

“Commercial mascot” means humans or animals used as advertising devices for commercial establishments, typically by the holding or wearing of insignia, masks or costumes associated with the commercial establishment. Includes sign twirlers, sign clowns, etc.

“Commercial sign” means any sign, wording, logo, picture, transparency, mechanical device or other representation that is intended to attract attention to a commercial or industrial business, occupancy, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

“Commercial zone” means one of the following types of zones: C-O, C-B, C-N, C-C, C-V, C-T, I-R, I-L, or I.

“Construction sign” means a sign erected and maintained within a construction project, typically used to identify those individuals or businesses directly connected with the construction project and information regarding direction, price or terms.

“Development sign” means a freestanding sign listing the architect, landscape architect, engineer, planner, contractor, or other person or firm participating in the development, construction or financing of the project on the site on which the sign is located.

“Directional sign” means a sign located adjacent to a driveway or mounted on a building designed to guide or direct pedestrian or vehicular traffic to uses on the same site.

“Director” means the city of Chula Vista director of planning and building or such director’s designee.

“Directory sign” means a sign listing the name and location of the tenants, departments or establishments of a building or shopping complex.

“Electronic message board sign” means a sign with a fixed or changing display composed of a series of lights, light emitting diodes (LED) or liquid crystal display (LCD) or functionally similar devices.

“Erect” (verb) means to build, construct, attach, hang, place, suspend or affix to or upon any surface.

“Establishment” means a legal, nonresidential use of land to conduct a commercial or noncommercial activity. By way of example and not limitation, “establishment” includes stores, offices, churches, hospitals, manufacturing facilities, etc. Does not include home-based occupations or hobbies.

“Expired sign” means a sign whose message refers to an event or a particular date, and such date or event is more than 10 days in the past.

“Flag” means a piece of cloth or bunting varying in size, color and design, used as a symbol, standard, signal or emblem.

“Flashing sign” means any sign that is designed and constructed to call attention, or to give its message, through a sequence of changes in color or intensity of illumination.

“Freestanding sign” means a sign, including a billboard or pole sign, which is self-supporting in a fixed location and not attached to a building.

“Frontage” shall be considered that side of a lot or property fronting on a public right-of-way or other circulation area open to the general public such as a dedicated street, exclusive of alleys.

“General advertising” means the business of renting or otherwise providing display space to commercial advertisers located other than the place where the advertising will be displayed.

“Governmental signs” means those signs by which a governmental entity provides notice to the public. Such signs typically indicate traffic rules, directions and distances, and notices of public hearings, etc.

“Ground or monument sign” means a low-profile freestanding sign erected with its base on the ground.

“Hand held sign” means a sign that is held by or otherwise mounted on a person or animal.

“Identification sign” means a sign which serves to identify the name, address and lawful use of the premises upon which the sign is located. Includes signs indicating the name of residents on residential uses.

“Illegal sign” means: (a) any sign originally erected or installed without first complying with all structural, locational, design, building, and electrical regulations in effect at the time of its construction or installation; (b) any sign that is not maintained, or is not used to identify or advertise an ongoing establishment, occupancy, product, good or service available on the site of the sign for more than 90 days; (c) any unsafe sign; (d) any legal nonconforming sign that has not been removed following the expiration of the 15-year amortization period provided for in this chapter; and (e) any sign that is in violation of the provisions of this chapter.

“Informational sign” means any sign displayed on private property, the purpose of which is to state a fact or attribute of that property which is of interest to the general public, such as the location of the restroom, the hours of operation, a security protection notice and similar facts, and which sign does not exceed an area of two square feet.

“Land owner’s consent” means the consent or permission of the owner of land for the display of a sign thereon. For purposes of this definition, land owner means the holder of the legal title to the property and all parties and persons holding a present right to possession, control or use of the property. In the case of personal property to which a sign is attached, the land owner’s consent means the permission of the owner of such personal property.

“Legal nonconforming sign” means a sign that was originally erected or installed in compliance with all structural, locational, design, building, and electrical regulations at the time of its erection or installation, but which does not conform to the provisions of this chapter.

“Legally required signs” means those signs which are required to be placed or displayed, by a body of law other than this chapter. By way of example only, such signs typically include notices of eviction or condemnation, notice of change of ownership, etc.

“Logo” means a trademark or symbol identifying the establishment, commercial or industrial service provided on the site. Logos shall be considered signs for the purposes of this chapter.

“Marquee sign” means any permanent architectural canopy projecting over the entrance to an establishment, and any signage or message display thereon.

“Monument or ground sign” means a low-profile freestanding sign erected with its base on the ground.

“Multiple establishment sign” means a sign upon which more than one establishment is displayed.

“Multisided sign” means signs constructed back-to-back, with faces in approximately parallel planes (such as on both sides of a single panel or V shape, provided the angle between the two faces does not exceed 45 degrees), which shall count as only one sign, both as to number and area, i.e., only one side need be counted. Every other sign having multiple sides or faces, including a sign constructed in the form of a cylinder or sphere or similar figure, shall be limited in total area as provided herein.

“Noncommercial sign” means a sign which does not name, advertise or call attention to a commercial or industrial establishment, commodity, product, good, service or other commercial or industrial activity for a commercial or industrial purpose.

“Noncommercial speech” or “noncommercial message” or “noncommercial sign” means a sign message which is not commercial in nature. Such messages typically relate to debatable matters of public concern, such as, by way of example and not limitation, advocacy on politics, religion, arts, science, philosophy, commentary on governmental policy, etc.

“Off-site sign” means a commercial sign not located on the site of the establishment or entity indicated or advertised by the sign, or a commercial sign advertising a commodity, good, product, service or other commercial or industrial activity which originates on a site other than where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs.

“On-site sign” means any commercial sign which directs attention to a commercial or industrial occupancy, establishment, commodity, good, product, service or other commercial or industrial activity conducted, sold or offered upon the site where the sign is maintained. The on-site/off-site distinction applies only to commercial message signs. For purposes of this chapter, all signs with noncommercial speech messages shall be deemed to be “on-site,” regardless of location.

“Permanent sign” means any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear and tear) and position and in a permanent manner affixed to the ground, wall or building.

“Pole sign” means a sign which is supported by one or more columns, uprights or braces in or upon the ground.

“Portable sign” means any sign not permanently attached to the ground or another permanent structure, or a sign capable of being transported, including, but not limited to, signs designed to be transported by means of wheels, signs converted to A- or T-frames, menu and sandwich board signs.

“Principal identification sign” means an establishment sign used to identify only the name of the establishment and the principal product or service.

“Principal use” in the context of this chapter means that a sign is a principal, as opposed to an accessory, use on the parcel or lot where it is located, or proposed to be located.

“Professional sign” means a sign indicating the name or names and occupation or occupations of a professional person or group of associated professional persons occupying the premises.

“Projecting sign” means a sign that is mounted on and at an angle to the face of the wall of the building to which it is attached.

“Real estate sign” means a sign indicating that real property is available for sale, exchange, rent or lease. Such signs typically state that real property, or any interest therein, is for sale or exchange, or for lease or rent for a period longer than one week, and the names and contact information for persons involved in such economic transaction.

“Rear wall sign” means a wall sign placed on a building wall that is parallel to the front wall of a building, but located on the opposite, furthest end of the building.

“Roof line” means the upper edge of any building wall or parapet, or ridge line. If a building has both a parapet and a ridge line, the lower of the two will be considered the “roof line.”

“Roof sign” is a sign upon, on or above the roof line of a roof or parapet of any building or structure.

“Safety codes” means those codes which have been duly adopted by the city, and which are currently in effect, which regulate matters of safe development and construction, such as, by way of example and not limitation, grading, mechanical, building, electrical and plumbing codes.

“Search lights” means focused light producers designed to project a moving beam of light into the night sky for the purpose of attracting attention to an event or location. Search lights are considered signs.

“Sensitive zones” means agricultural, residential estate, R-1, R-2, R-3 and MHP zones.

“Side wall sign” means a wall sign placed on a building wall that is generally perpendicular to the front wall of a building.

“Sign” is any device, fixture, placard or structure, including its component parts, which draws attention to an object, product, place, activity, opinion, person, institution, organization, or place of business, or which identifies or promotes the interests of any person and which is to be viewed from any public street, road, highway, right-of-way or parking area. However, the following are not within the definition of a “sign” for regulatory purposes of this chapter:

1. Public property and public use property: Signs placed on land or other property owned by the city, or in which the city holds the present right of possession or control, or land which the city holds in trust, as well as all public rights-of-way. Said signs shall be regulated by an adopted city council policy;

2. Architectural features: Decorative or architectural features of buildings (not including lettering, trademarks or moving parts);

3. Symbols embedded in architecture: Symbols of noncommercial organizations or concepts including, but not limited to, religious or political symbols, when such are permanently integrated into the structure of a permanent building which is otherwise legal;

4. Personal appearance: Items or devices of personal apparel, decoration or appearance, including tattoos, makeup, costumes (but not including commercial mascots);

5. Manufacturers’ marks: Marks on tangible products, which identify the maker, seller, provider or product, and which customarily remain attached to the product even after sale;

6. Fireworks, etc.: The legal use of fireworks, candles and artificial lighting not otherwise regulated by this chapter;

7. Certain insignia on vehicles and vessels: On-street legal vehicles and properly licensed watercraft: license plates, license plate frames, registration insignia, noncommercial messages;

8. Grave stones or grave markers;

9. Newsracks and newsstands.

“Site” means the location of a sign. In the case of legal parcels containing only one legal use, that parcel is the site. For parcels containing more than one legal use, the site is the portion of the parcel on which each use is located.

“Street address sign” means a wall sign placed on the side of the building parallel to the front property line or main entrance, or parallel to the public right-of-way solely for the purpose of providing the street address for the site.

“Temporary sign” is any sign constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames, intended to be displayed for a limited period of time not to exceed 60 days.

“Unsafe sign” means a sign posing an immediate peril or reasonably foreseeable threat of injury or damage to persons or property on account of the condition of the physical structure of the sign or its mounting mechanism.

“Wall sign” is a sign, including a painted sign, attached to, painted on, or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of such wall.

“Window sign” means a sign that is painted on either the outside or inside surface of the glazed area (including glazed doors), and any sign that is posted or affixed to the inside surface of the glazed area, or is located in such a manner as to be visible through the glazed area. (Ord. 2924 § 2, 2003).

#### **19.60.100 Sign area.**

The area of a sign is calculated as follows:

A. Background Panel Signs. Sign copy which is mounted, affixed, or painted on a background panel or area distinctively painted, textured or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangles, squares, triangles, parallelogram, circles or ellipses that will enclose both the sign copy and the background.

B. Background Surface Signs. The area of a sign consisting of copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building surface or another surface, that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy, is measured as the sum of the smallest rectangles, squares, triangles, parallelograms, circles or ellipses that will enclose each word, graphic or discrete visual element in the total sign.

C. Illuminated Background Signs. The area of a sign with copy mounted, affixed, or painted on an illuminated surface or illuminated element or a building or structure, is measured as the entire illuminated surface or illuminated element which contains sign copy. Such elements may include, but are not limited to, lit canopy fascia signs, spanner board signs, and/or interior lit awnings.

D. Two-Faced Signs. If a sign has two display faces, and the interior angle between the two faces is 45 degrees or less, then the sign area is one sign face only; however, if the two faces are of different sizes or shapes, then the larger is used. If the sign



has two display faces, and the interior angle between the two faces is greater than 45 degrees, then the sign area is the sum of the areas of the two faces.

E. Multifaced Signs. If a sign has three or more faces, then the sign area is the 50 percent of the aggregate area of all sign faces. The area of each face shall be determined according to subsection (A) or (B) of this section, as applicable.

F. Statuary and Nonplanar Signs. The area of a spherical, free form, sculptural or other nonplanar sign is 50 percent of the sum of the areas, using only the four vertical sides of the smallest four-sided polyhedron which will completely enclose the entire sign structure. (Ord. 2924 § 2, 2003).

#### **19.60.110 Sign height.**

Sign height is the vertical distance from the average grade of the ground immediately below the uppermost point of a sign, as measured to points five feet in all directions from said point, to the topmost portion of the sign. The base or structure erected to support or adorn a monument, pole or other freestanding sign is measured as part of the sign height. (Ord. 2924 § 2, 2003).

#### **19.60.120 Sign illumination.**

A. Residential Signs. Signs on residential uses in any zone may not be separately or specially illuminated, unless otherwise specified.

B. General Rule for All Nonresidential Uses. Other than signs on residential uses, all other signs may be nonilluminated, or illuminated by internal, internal indirect (halo) illumination, or lit by external indirect illumination, unless otherwise specified. Signs may not be illuminated in a manner which leaves the illumination device exposed to public view except with the use of neon tubing as provided in subsection (E) of this section.

C. Internal Illumination. Outdoor, internally illuminated signs, including but not limited to awning/canopy signs, cabinet signs (whether free-standing or building mounted), changeable copy panels or service island signs, shall be constructed with an opaque background and translucent letters or other graphical elements, or with a colored background and lighter letters or graphics.

D. External Indirect Illumination. Externally lit signs are permitted to be illuminated only with steady, stationary, down directed and shielded light sources directed solely onto the sign. Light bulbs or tubes (excluding neon), used for illuminating a sign, shall not be visible from the adjacent public rights-of-way or residential properties.

E. Neon.

1. Exposed Neon. Exposed neon tube illumination is not permitted in residential zones, or on residential uses in any zone. It is allowed in all other places, unless otherwise specified.

2. Neon Borders. Neon illumination used as a sign copy projection, border, frame or other embellishment of sign copy shall not be included in the total size or area of the sign, provided the measured area of any such projection or detailed embellishment does not exceed 12 square feet in area, or 25 percent of the sign display face area, whichever is greater. If neon embellishments exceed these limits, then the embellishments shall be included and counted as part of the permitted sign area for the use. (Ord. 2924 § 2, 2003).

#### **19.60.200 Support requirements.**

The supporting members of all signs shall be free of any external bracing such as guy wires or cables. All supporting columns shall be designed as an integral or architectural feature of the building. (Ord. 2924 § 2, 2003).

#### **19.60.210 Materials.**

Paper or cardboard signs and cloth or plastic fabric banners may only be used in conjunction with a special event or temporary outside sale and display as provided in Chapter 19.58 CVMC ("Uses"); however, paper or cardboard signs may be used for indoor window and windshield signs, when such are allowed. (Ord. 2924 § 2, 2003).

#### **19.60.220 Construction standards.**

All signs shall be installed and constructed in a professional and workmanlike manner and shall be maintained in good and safe structural condition and good physical appearance. All exposed structural components shall be painted, coated or made of rust inhibitive material. (Ord. 2924 § 2, 2003).

#### **19.60.300 Prohibited signs.**

Unless otherwise provided, the following sign types are prohibited throughout the city:

A. Flashing. Signs which use intermittent illumination, intermittent reflection (whether from the sun or an artificial source), flashing images, scintillation or lights of varying intensity, including electronic message board signs, but not including barber poles;

B. Moving. Signs which have any visible portion in motion, either constantly or at intervals, which motion may be caused by either artificial or natural sources;

C. Air Activated. Signs which are activated by wind or moving air, including but not limited to whirligigs;

D. Lighter Than Air. Tethered blimps, tethered dirigibles, and tethered balloons used to display commercial messages or general advertising; however, certain balloons may be allowable in conjunction with special events, as regulated by CVMC 19.58.370 and 19.58.380;

E. Visibility Blocking. No sign shall be erected at the intersection of any streets in such a manner as to create a traffic hazard by obstructing vision; or at any location where the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign. (Ord. 2924 § 2, 2003).

#### **19.60.400 Sensitive zones – Basic signage allowance.**

In agricultural, residential estates, R-1, R-2, R-3 and MHP zones (“sensitive zones”), the signage described in this section is allowed, subject to permit requirements. Additional signage may be allowed, as described in the separate regulations for each particular zone, or particular uses therein.

A. Basic Signage Allowance. For each legal parcel in any of the sensitive zones, either one wall sign or one freestanding sign is allowed. The area shall not exceed one and one-half square feet. For a freestanding sign the height shall not exceed six feet, and the sign shall be set back from the property line or curblin (whichever is closer to the interior of the parcel) by a minimum of 10 feet. In the residential estates, R-1 and R-2 zones, such signs shall not display commercial messages.

B. Public and Quasi-Public Uses Within Sensitive Zones. In addition to the basic signage allowance, parcels on which are located legally operating public and quasi-public uses, including but not limited to religious uses (churches, chapels, synagogues, mosques, etc.), emergency services (fire, police, hospital, etc.) and educational uses (schools, day care centers, etc.), the following signage is allowed:

1. One permanent wall sign, the area of which shall not exceed 30 square feet. The wall sign may be illuminated.

2. One changeable copy sign, the area of which shall not exceed 50 square feet and 12 feet in height. If such sign is freestanding, then it shall be set back at least 10 feet from all streets.

C. Public and Quasi-Public Special Event Signs. Any public or quasi-public establishment in a sensitive zone may display temporary promotional signs in conjunction with a special event.

Said signs may consist of A- and I-frame signs and signs on paper, cardboard, plastic or fabric.

1. The signs shall:

- a. Be located on the premises of the establishment having the special event;

- b. Not create a traffic hazard because of the distractive character to motorists of any sign or the cumulative effect of all the signs on the lot;

- c. Not unreasonably obscure existing signs or adjacent properties;

- d. Not interfere with internal circulation or eliminate required parking.

2. Only one freestanding sign shall be allowed on each street frontage. The freestanding sign shall not be more than eight feet in height or contain more than 40 square feet of sign area.

3. Not more than six permits allowing special event signage shall be issued to an establishment in any one calendar year.

4. The maximum time limit for displaying special event signs for any one special event shall not exceed 14 consecutive days.

5. Pennants may be used only for safety and precautionary purposes.

6. The applicant shall submit a statement describing the commencement and ending date of the special event. The applicant shall also submit a site plan indicating the location and area of signs. Each permit shall also be accompanied by the required filing fee(s). (Ord. 2924 § 2, 2003).

#### **19.60.410 R-3 zone.**

In addition to the basic signage allowance in sensitive zones, the following rules apply to signs in the R-3 zone:

A. Wall Sign. One wall sign for each street frontage, a maximum of 15 square feet of sign area for buildings with a width of 30 feet or less. Buildings over 30 feet in width shall be allowed an additional one square foot for each foot over 30 feet to a maximum of 30 square feet. In cases of more than one building on the property, the area of the sign shall be based on the lineal frontage of the building on which it is placed. Only the name and address may be placed on the building;

B. Freestanding Sign. One freestanding sign may be used in lieu of one wall sign. Through lots will be allowed an additional freestanding sign if the frontage is used for access. Commercial messages on the sign may consist only of the name and address of the manager, except the vacancy status and location of the manager’s office may be placed on the sign, if designed as part of the sign. Maximum height, five feet. Maximum sign area, 12

square feet, except an additional two square feet may be added for the vacancy status;

C. Manager's Sign. A sign designating the location of the manager's office may be placed on or near the main entrance to the units. Maximum size: one and one-half square feet. Such sign may be attached to the dwelling or incorporated in the design of the freestanding sign. Maximum square footage of the freestanding sign shall not be increased to accommodate said sign;

D. Vacancy Sign. A separate freestanding vacancy sign, a maximum of three and one-half feet in height and two square feet in area, may be used if no other freestanding sign exists on the property; otherwise, it shall be placed on the building;

E. Screening Wall Sign. One sign may be placed on a structure used for screening of parking in lieu of a wall or freestanding sign. Only the name and address may be placed on the structure. Maximum area, 15 square feet. (Ord. 2924 § 2, 2003).

#### **19.60.430 MHP zone.**

In addition to the basic signage allowance in sensitive zones, the following rules apply to signs in the MHP zone:

A. Wall or Freestanding Sign. One wall sign or single- or double-faced freestanding sign, designating the use of the premises, facing or adjacent to each street abutting the property. The height of a freestanding sign shall not exceed eight feet. The total face area of all wall and freestanding signs, excluding directional signs, shall not exceed one-tenth square foot for each linear foot of street frontage, and no sign shall exceed a maximum area of 32 square feet.

B. Directional Sign. One directional sign, not to exceed 10 square feet in area, may be placed at each entrance or exit driveway. No such sign shall exceed a height of eight feet measured vertically from the base at ground level to the apex of the sign. Directional signs may be lighted. (Ord. 2924 § 2, 2003).

#### **19.60.450 P-C zone.**

The planning commission and city council may establish sign standards and provisions for a P-C (planned community) zone concurrently with the approval of a general development plan or sectional planning area. However, such standards must comply with and incorporate all of the standard provisions of CVMC 19.60.050. (Ord. 2924 § 2, 2003).

#### **19.60.500 Sign rules – All commercial zones.**

A. Window Signs. When allowed, window signs may cover a maximum of 20 percent of the window area in all commercial and industrial zones. Other than painted window signs, no sign shall be permitted to be located on the outside surface of the glazed area.

B. Canopy Signs (Soffits). One on-site canopy sign or soffit is permitted for each establishment in a commercial zone. Minimum clearance for signs attached under the marquee is seven feet. The maximum size of a canopy sign is one foot wide by five feet long. The sign may not project beyond marquee. Larger canopy signs facing a dedicated street or interior parking area may be used in lieu of wall signs, provided the signs do not exceed the maximum area permitted in the underlying zone for wall signs.

C. Temporary Promotional Signs. Temporary promotional signs in conjunction with "special events" as defined and regulated by CVMC 19.58.370 and 19.58.380 are allowed for any non-residential use in a commercial zone. Commercial messages on such signs will pertain to grand openings, change of business address, change of ownership or lessee, business anniversaries and similar promotional events. Said signs may consist of A- and I-frame signs and signs on paper, cardboard, plastic or fabric. The signs shall be located on the premises of the business having the special event. The number and location of the signs shall not create a traffic hazard because of the distractive character to motorists of any sign or the cumulative effect of all the signs on the lot, nor shall any sign unreasonably obscure existing signs or adjacent properties. Only one freestanding sign shall be allowed on each street frontage; such sign shall not be more than eight feet in height or contain more than 40 square feet of sign area. Pennants may be used only for safety and precautionary purposes. Price signs may be used but shall not exceed 12 by 16 inches. Excluding price signs, the total area of all promotional signage shall not exceed two square feet of lineal street frontage of the sales area.

D. Other Signs. The following signs are allowed in all commercial zones: window; temporary promotional, public and quasi-public; directional; warning; instructional; directory; real estate; signs allowed pursuant to the unclassified use approval process; signs on mansard roofs; signs on pitched roofs; and signs on architectural appendages. Service station price signs are allowed anywhere that motor fuels may be legally sold or

dispensed to the public. Drive-in theater marquees may be allowed only when on-site to a legal use of drive in theater. Theater marquees are allowed only on-site to legally use as a theater. (Ord. 2924 § 2, 2003).

#### **19.60.510 Commercial – Administrative and professional office (C-O) zone.**

The following signs are allowed in C-O zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of 20 square feet for each portion of the building facing a dedicated street or alley. Establishments facing a major or collector street shall be allowed an additional one square foot for each two feet of lineal building frontage over 20 feet facing said street, but shall not exceed a total of 50 square feet.

Each establishment shall also be allowed signs facing on-site parking areas for five or more cars and walkways, a minimum of 10 feet in width. The signs shall be allowed one-half square foot per lineal foot of building facing said area; maximum area, 20 square feet per establishment.

B. Freestanding (Pole). Each lot shall be allowed a freestanding sign with a maximum sign area of three square feet; however, if more than one establishment is located on the lot or is located in a building designed for occupancy by more than one establishment, the area of the sign may be increased an additional three square feet for each establishment displayed on the sign to a maximum area of 12 square feet and four tenant establishment signs. The sign shall not exceed eight feet in height. An establishment or business complex located on a major or collector street shall be allowed a freestanding pole sign subject to the following:

1. Maximum height, 16 feet;
2. Maximum sign area, 32 square feet;
3. Minimum ground clearance, eight feet;
4. The sign shall not be permitted to project into the public right-of-way;
5. The sign shall maintain a 10-foot setback from all interior property lines;

6. Only one establishment or the name of the commercial complex may be displayed on the sign.

C. Ground (Monument). A low-profile ground sign may be used in place of a freestanding pole sign. The sign shall be subject to the following:

1. Maximum height, four feet. Establishments located on major or collector streets, six feet;
2. Maximum sign area, 12 square feet. Establishments located on major or collector streets, 25 square feet;

3. The sign shall maintain a five-foot setback from all streets and 10 feet from all interior property lines;

4. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

D. Projecting. A projecting sign may be used in lieu of a freestanding (pole or ground) sign subject to the following:

1. The maximum projection from the face of the building shall be based on the clearance of the sign from the bottom of the sign to the ground as shown in the following table:

<b>Ground Clearance</b>	<b>Maximum Projection</b>	<b>Maximum Diagonal Projection (Corner Lot)</b>
8' or less	1'0"	1'0"
9'	1'6"	1'8"
10'	2'0"	2'4"
11'	2'6"	3'0"
12'	3'0"	3'8"
13'	3'6"	4'4"
14'	4'0"	5'0"

2. Projecting signs less than eight feet from the ground shall not project closer than three feet to any area used for vehicular circulation and six inches to any area used for pedestrian circulation;

3. The sign shall not project above the roof, parapet or first story;

4. The maximum sign area for double-faced signs shall be 12 square feet and 24 square feet for spheres, cylinders, and multisided signs, not including the top and bottom of the sign when no copy is applied to those surfaces.

E. Signs on Screening Walls or Fences. Signs denoting the names of the occupants, principal establishment, or name of the commercial complex may be applied to a wall or fence used as screening of parking areas in lieu of a freestanding or projecting sign. Maximum sign area shall be three square feet; except, an establishment or complex located on a major or collector street shall be allowed an area of 25 square feet.

F. The design review committee may reduce sign areas and height below those authorized above based on the sign guidelines and criteria contained

in the design manual, without consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

#### **19.60.520 Central business (C-B) zone.**

The following signs are allowed in C-B zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of one square foot per lineal foot of building frontage facing a dedicated street or alley; however, the sign area may be increased to a maximum of three square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed.

Each establishment shall also be allowed signs facing on-site parking areas for five cars or more and walkways 10 feet or more in width. Such signs may contain an area of one square foot per lineal foot of building frontage facing said area; however, the area may be increased to two square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed.

B. Ground (Monument). Each lot or commercial complex shall be allowed a low-profile ground sign, subject to the following:

1. Signs are restricted to those lots having a minimum frontage of 100 feet on a dedicated street. In the case of corner lots, only one frontage shall be counted;

2. Maximum height, six feet;

3. Maximum sign area, 25 square feet;

4. The sign shall maintain a five-foot setback from all streets and 10 feet from all interior property lines;

5. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

C. Projecting. Each establishment shall be allowed a projecting sign subject to the following:

1. The maximum projection from the face of the building shall be based on the clearance of the sign from the bottom of the sign to the ground as shown in the following table:

<b>Ground Clearance</b>	<b>Maximum Projection</b>	<b>Maximum Diagonal Projection (Corner Lot)</b>
8' or less	1'0"	1'0"
9'	1'6"	1'8"

<b>Ground Clearance</b>	<b>Maximum Projection</b>	<b>Maximum Diagonal Projection (Corner Lot)</b>
10'	2'0"	2'4"
11'	2'6"	3'0"
12'	3'0"	3'8"
13'	3'6"	4'4"
14'	4'0"	5'0"

2. Projecting signs less than eight feet from the ground shall not project closer than three feet to any area used for vehicular circulation and six inches to any area used for pedestrian circulation;

3. The sign shall not project above the roof, parapet or first story;

4. The maximum sign area for double-faced signs shall be 12 square feet and 24 square feet for spheres, cylinders, and multisided signs, not including the top and bottom of the sign when no copy is applied to those surfaces.

D. Signs on Screening Walls or Fences. In lieu of a ground sign or projecting sign, a sign may be applied to a wall or fence used for screening of parking areas. The sign shall be subject to the following:

1. The sign may only denote the name of the principal establishment or the name of the commercial complex;

2. Maximum sign area: 25 square feet.

E. The design review committee may reduce sign areas and heights below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

#### **19.60.530 Neighborhood commercial (C-N) zone.**

The following signs are allowed in C-N zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of one square foot per lineal foot of building frontage facing a dedicated street or alley; however, the sign may be increased to a maximum of one and one-half square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed.

Each establishment shall be allowed signs facing on-site parking areas for five cars or more and walkways 10 feet in width. Such signs may contain a sign area of one-half square foot per lineal foot of building frontage. The maximum sign area shall not exceed 20 square feet per establishment.

B. Freestanding (Pole). A freestanding pole sign shall be subject to the following:

1. Each neighborhood shopping center or shopping complex consisting of one parcel or contiguous parcels shall be allowed one freestanding pole sign (in existing developed shopping centers a freestanding service station sign shall be allowed to remain and will not be included in determining the total number of signs allowed);

2. Signs are restricted to those lots having a minimum frontage of 100 feet on a dedicated street. In the case of corner lots, only one frontage shall be counted;

3. Maximum height, 25 feet;

4. Maximum sign area, 100 square feet;

5. Minimum ground clearance, eight feet;

6. The sign may project a maximum of five feet into the public right-of-way;

7. The sign shall maintain a 10-foot setback from all interior property lines;

8. Freestanding pole signs less than eight feet in height are restricted to a maximum sign area of 12 square feet and shall maintain a minimum setback of five feet from all streets;

9. Commercial messages on pole signs in the C-N zone may identify only the name of the shopping center or complex and tenants therein.

C. Ground (Monument). A low-profile ground sign may be used in lieu of a freestanding pole sign. The sign shall be subject to the following:

1. Maximum height, eight feet;

2. Maximum sign area, 50 square feet;

3. The sign shall maintain a minimum setback of five feet from all streets and 10 feet from all interior property lines;

4. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

D. Signs on Screening Walls or Fences. In lieu of a freestanding sign, a sign may be applied to a wall or fence used for screening of parking areas. The sign shall be subject to the following:

1. The sign may only denote the name of the principal establishment or the name of the commercial complex;

2. Maximum sign area, 25 square feet.

E. The design review committee may reduce sign areas below those authorized above based on

the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

#### **19.60.540 Central commercial (C-C) zone.**

The following signs are allowed in C-C zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of one square foot per lineal foot of building frontage facing a dedicated street or alley; however, the sign area may be increased to a maximum of three square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed.

Each establishment shall also be allowed signs facing on-site parking areas for five cars or more and walkways 10 feet or more in width. Such signs may contain an area of one square foot per lineal foot of building frontage facing said area; however, the area may be increased to two square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed. The maximum sign area shall not exceed 100 square feet.

B. Freestanding (Pole). Each lot shall be allowed one freestanding sign subject to the following:

1. Signs are restricted to those lots having a minimum frontage of 100 feet on a dedicated street. In the case of corner lots or through lots, only one frontage shall be counted;

2. The sign may contain one square foot of area for each lineal foot of street frontage but shall not exceed 150 square feet. In the case of corner lots or through lots, only the frontage the sign is oriented to shall be counted toward the allowable sign area;

3. Maximum height, 35 feet;

4. Minimum ground clearance, eight feet;

5. The sign may project a maximum of five feet into the public right-of-way;

6. The sign shall maintain a 10-foot setback from all interior property lines;

7. Corner parcels containing five acres or more shall be allowed one freestanding sign on each street frontage on a major or collector street and shall be spaced at intervals of not less than 500 feet apart. Such signs shall not face the side of any adjoining lot in an R district;

8. Commercial messages on pole signs in the C-C zone may identify only the name of the shopping center or complex and tenants therein;

9. Freestanding pole signs less than eight feet in height are restricted to a maximum sign area of 15 square feet and shall maintain a minimum setback of five feet from all streets.

C. Ground (Monument). A low-profile ground sign may be used in lieu of a freestanding pole sign. The sign shall be subject to the following:

1. Maximum height, eight feet;
2. Maximum sign area, 50 square feet;
3. The sign shall maintain a minimum setback of five feet from all streets and 10 feet from all interior property lines;

4. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

D. Signs on Screening Walls or Fences. In lieu of a freestanding sign, a sign may be applied to a wall or fence used for screening of parking areas. The sign shall be subject to the following:

1. The sign may only denote the name of the principal business or the name of the commercial complex;

2. Maximum sign area, 25 square feet.

E. The design review committee may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

#### **19.60.550 Visitor commercial (C-V) zone.**

The following signs are allowed in C-V zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of one square foot per lineal foot of building frontage facing a dedicated street or alley; however, the sign area may be increased to a maximum of three square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied.

Each establishment shall also be allowed signs facing on-site parking areas for five cars or more and walkways 10 feet or more in width. Such signs may contain an area of one square foot per lineal foot of building frontage facing said area; however, the area may be increased to two square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed. The maximum sign area shall not exceed 100 square feet.

B. Freestanding (Pole). Each lot shall be allowed one freestanding sign subject to the following:

1. Signs are restricted to those lots having a minimum frontage of 100 feet on a dedicated street. In the case of corner lots or through lots, only one frontage shall be counted;

2. The sign may contain one square foot of area for each lineal foot of street frontage but shall not exceed 150 square feet. In the case of corner lots or through lots, only the frontage the sign is oriented to shall be counted toward the allowable sign area;

3. Maximum height, 35 feet;

4. Minimum ground clearance, eight feet;

5. The sign may project a maximum of five feet into the public right-of-way;

6. The sign shall maintain a 10-foot setback from all interior property lines;

7. Corner parcels containing five acres or more shall be allowed one freestanding sign on each street frontage on a major or collector street and shall be spaced at intervals of not less than 500 feet apart. Such signs shall not face the side of any adjoining lot in an R district;

8. Commercial messages on pole signs in the C-V zone may identify only the name of the shopping center or complex and tenants therein;

9. Freestanding pole signs less than eight feet in height are restricted to a maximum sign area of 15 square feet and shall maintain a minimum setback of five feet from all streets.

C. Ground (Monument). A low-profile ground sign may be used in lieu of a freestanding pole sign. The sign shall be subject to the following:

1. Maximum height, eight feet;

2. Maximum sign area, 50 square feet;

3. The sign shall maintain a minimum setback of five feet from all streets and 10 feet from all interior property lines;

4. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

D. Signs on Screening Walls or Fences. In lieu of a freestanding sign, a sign may be applied to a wall or fence used for screening of parking areas. The sign shall be subject to the following:

1. The sign may only denote the name of the principal establishment or the name of the commercial complex;

2. Maximum sign area, 25 square feet.

E. The design review committee may reduce sign areas below those authorized based on the sign guidelines and criteria contained in the design

manual, without consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

### **19.60.560 Commercial thoroughfare (C-T) zone.**

The following signs are allowed in C-T zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of one square foot per lineal foot of building frontage facing a dedicated street or alley; however, the sign area may be increased to a maximum of three square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed.

Each establishment shall also be allowed signs facing on-site parking areas for five cars or more and walkways 10 feet or more in width. Such signs may contain an area of one square foot per lineal foot of building frontage facing said area; however, the area may be increased to two square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed. The maximum sign area shall not exceed 100 square feet.

B. Freestanding (Pole). Each lot shall be allowed one freestanding sign subject to the following:

1. Signs are restricted to those lots having a minimum frontage of 50 feet on a dedicated street. In the case of corner lots, only one frontage shall be counted;

2. The sign may contain one square foot of area for each lineal foot of street frontage, but shall not exceed 150 square feet. In the case of corner lots or through lots, only the frontage the sign is oriented to shall be counted toward the allowable sign area;

3. Maximum height, 35 feet;

4. Minimum ground clearance, eight feet;

5. The sign may project a maximum of five feet into the public right-of-way;

6. The sign shall maintain a 10-foot setback from all interior property lines;

7. Corner parcels containing five acres or more shall be allowed one freestanding sign on each street frontage on a major or collector street and shall be spaced at intervals of not less than 500 feet apart. Such signs shall not face the side of any adjoining lot in the R district;

8. Commercial messages on pole signs in the C-T zone may identify only the name of the shopping center or complex and tenants therein;

9. Freestanding pole signs less than eight feet in height are restricted to a maximum sign area of 15 square feet and shall maintain a minimum setback of five feet from all streets.

C. Ground (Monument). A low-profile ground sign may be used in lieu of a freestanding pole sign. The sign shall be subject to the following:

1. Maximum height, eight feet;

2. Maximum sign area, 50 square feet;

3. The sign shall maintain a minimum setback of five feet from all streets and 10 feet from all interior property lines;

4. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

D. Projecting. A projecting sign may be used in place of a freestanding (pole or ground) sign subject to the following:

1. The maximum projection from the face of the building shall be based on the clearance of the sign from the bottom of the sign to the ground as shown in the following table:

<b>Ground Clearance</b>	<b>Maximum Projection</b>	<b>Maximum Diagonal (45°) Projection (Corner Lot)</b>
8' or less	1'0"	1'0"
9'	1'6"	1'8"
10'	2'0"	2'4"
11'	2'6"	3'0"
12'	3'0"	3'8"
13'	3'6"	4'4"
14'	4'0"	5'0"
15'	4'6"	5'8"
16' or more	5'0"	6'4"

2. Projecting signs less than eight feet from the ground shall not project closer than three feet to any area used for vehicular circulation and six inches to any area used for pedestrian circulation;

3. The sign shall not project above the roof, parapet, or first story;

4. The maximum sign area shall be 60 square feet for spheres, cylinders and multisided signs, not



including the top and bottom of the sign where no copy is applied to those surfaces.

E. Rooftop. Each lot shall be allowed a rooftop sign in lieu of a freestanding or projecting sign in accordance with the following:

1. Such signs are restricted to those establishments having a minimum street frontage of 100 feet on a dedicated street and a minimum building frontage of 50 feet. In the case of corner lots, only one frontage shall be counted;

2. The height of the rooftop sign above the building on which it is located shall not exceed the height of the building measured from the ground level to the top of a parapet wall, a ridge line or the highest point of the roof. But in no case shall the height exceed 35 feet above the ground level;

3. The maximum area of the sign shall not exceed 50 square feet for buildings having 50 feet of frontage. Buildings with frontages of more than 50 feet may increase the area of the sign two square feet per lineal foot over 50 feet but shall not exceed 150 square feet.

Building Frontage	Sign Area (Sq. Ft.)
50'	50
55'	60
60'	70
65'	80
70'	90
75'	100
80'	110
85'	120
90'	130
95'	140
100' and over	150

4. The sign shall be placed perpendicular to the street it is oriented to and shall maintain a minimum setback of 10 feet from the sides of the building;

5. The sign shall not be permitted to project beyond the building face.

F. Signs on Screening Walls or Fences. In lieu of a freestanding sign, a sign may be applied to a

wall or fence used for screening of a parking area. The sign shall be subject to the following:

1. The sign may only denote the name of the principal establishment or the name of the commercial complex;

2. Maximum sign area, 25 square feet.

G. The design review committee may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

#### **19.60.570 Industrial research (I-R) zone.**

The following signs are allowed in I-R zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of one square foot for each lineal foot of building frontage facing a dedicated street or alley, to a maximum of 100 square feet.

Each establishment shall also be allowed signs facing on-site parking areas for five cars or more and walkways 10 feet or more in width. They shall be allowed a sign area of one square foot per lineal foot of building frontage facing said area, to a maximum of 50 square feet.

B. Freestanding (Pole). Each lot shall be allowed one freestanding pole sign subject to the following:

1. Signs are restricted to those lots having a minimum frontage of 75 feet on a dedicated street. In the case of corner lots, only one frontage shall be counted;

2. Maximum sign area, 75 square feet;

3. Maximum height, 20 feet;

4. Minimum ground clearance, eight feet;

5. The sign shall not be permitted to project into the public right-of-way;

6. The sign shall maintain a 10-foot setback from all interior property lines;

7. Freestanding pole signs less than eight feet in height are restricted to a maximum sign area of 12 square feet and shall maintain a five-foot setback from all streets;

8. Commercial messages on pole signs in the I-R zone may identify only the name of the complex and tenants therein.

C. Ground (Monument). A low-profile ground sign may be used in lieu of a freestanding pole sign. The sign shall be subject to the following:

1. Maximum height, eight feet;

2. Maximum sign area, 50 square feet;

3. The sign shall maintain a minimum setback of five feet from all streets and 10 feet from all interior property lines;

4. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

D. Signs on Screening Walls or Fences. In lieu of a freestanding sign, a sign may be applied to a wall or fence used for screening of parking areas. The sign shall be subject to the following:

1. The sign may only denote the name of the principal establishment or the name of the commercial complex;

2. Maximum sign area, 25 square feet.

E. The design review committee may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

#### **19.60.580 Limited industrial (I-L) zone.**

The following signs are allowed in I-L zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of one square foot per lineal foot of building frontage facing a dedicated street or alley; however, the sign area may be increased to a maximum of three square feet per lineal foot of building frontage; provided, that the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed.

Each establishment shall also be allowed signs facing on-site parking areas for five cars or more and walkways 10 feet or more in width. Such signs shall be allowed an area of one square foot per lineal foot of building frontage facing said area; however, the area may be increased to two square feet per lineal foot of building frontage; provided, that the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed. The maximum sign area shall not exceed 100 square feet.

B. Freestanding (Pole). Each lot shall be allowed one freestanding sign subject to the following:

1. Signs are restricted to those lots having a minimum frontage of 100 feet on a dedicated street. In the case of corner lots, only one frontage shall be counted;

2. The sign may contain one square foot of area for each lineal foot of street frontage but shall not exceed 150 square feet. In the case of corner lots or through lots, only the frontage the sign is

oriented to shall be counted toward the allowable sign area;

3. Maximum height, 35 feet;

4. Minimum ground clearance, eight feet;

5. The sign shall not be permitted to project into the public right-of-way;

6. The sign shall maintain a 20-foot setback from all interior property lines;

7. Freestanding pole signs less than eight feet in height are restricted to a maximum sign area of 12 square feet and shall maintain a minimum setback of five feet from all streets;

8. Commercial messages on pole signs in the I-L zone may identify only the name of the complex and tenants therein.

C. Ground (Monument). A low-profile ground sign may be used in lieu of a freestanding pole sign. The sign shall be subject to the following:

1. Maximum height, eight feet;

2. Maximum sign area, 50 square feet;

3. The sign shall maintain a minimum setback of five feet from all streets and 10 feet from all interior property lines;

4. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

D. Signs on Screening Walls or Fences. In lieu of a freestanding sign, a sign may be applied to a wall or fence used for screening of parking areas. The sign shall be subject to the following:

1. The sign may only denote the name of the principal establishment or the name of the commercial complex;

2. Maximum sign area, 25 square feet.

E. The design review committee may reduce sign areas below those authorized above based on the sign guidelines and criteria contained in the design manual, without consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

#### **19.60.590 General industrial (I) zone.**

The following signs are allowed in I zones:

A. Wall and/or Marquee. Each establishment shall be allowed a combined sign area of one square foot per lineal foot of building frontage facing a dedicated street or alley; however, the sign area may be increased to a maximum of three square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed.

Each establishment shall also be allowed signs facing on-site parking areas for five cars or more

and walkways 10 feet or more in width. Such signs shall be allowed an area of one square foot per lineal foot of building frontage facing said area; however, the area may be increased to two square feet per lineal foot of building frontage; provided, the sign does not exceed 50 percent of the background area on which the sign is applied, mounted or displayed. The maximum sign area shall not exceed 100 square feet.

B. Freestanding (Pole). Each lot shall be allowed one freestanding sign subject to the following:

1. Signs are restricted to those lots having a minimum frontage of 100 feet on a dedicated street. In the case of corner lots, only one frontage shall be counted;

2. The sign may contain one square foot of area for each lineal foot of street frontage but shall not exceed 150 square feet. In the case of corner lots or through lots, only the frontage the sign is oriented to shall be counted toward the allowable sign area;

3. Maximum height, 35 feet;

4. Minimum ground clearance, eight feet;

5. The sign shall not be permitted to project into the public right-of-way;

6. The sign shall maintain a 20-foot setback from all interior property lines;

7. Freestanding pole signs less than eight feet in height are restricted to a maximum sign area of 12 square feet and shall maintain a minimum setback of five feet from all streets;

8. Commercial messages on pole signs in the I zone may identify only the name of the complex and tenants therein.

C. Ground (Monument). A low-profile ground sign may be used in lieu of a freestanding pole sign. The sign shall be subject to the following:

1. Maximum height, eight feet;

2. Maximum sign area, 50 square feet;

3. The sign shall maintain a minimum setback of five feet from all streets and 10 feet from all interior property lines;

4. The sign structure shall be designed to be architecturally compatible with the main building and constructed with the same or similar materials.

D. The design review committee may reduce sign areas below those authorized consideration of the graphic design of the copy or message displayed on the sign. (Ord. 2924 § 2, 2003).

#### **19.60.595 Other zones.**

Whenever sign standards or provisions have not been established for an unclassified use requiring

the issuance of a conditional use permit, the planning commission may establish sign standards and provisions concurrently with the request for the conditional use permit. However, such standards must comply with and incorporate all of the standard provisions of this chapter.

There are no general sign provisions in the public and quasi-public, floodway, or tidelands zones. The planning commission and city council shall establish sign standards and provisions for a particular use in these zones concurrently with the approval of the use's conditional use permit. However, such standards must comply with and incorporate all of the standard provisions of CVMC 19.60.050. (Ord. 2924 § 2, 2003).

#### **19.60.600 Specialty signs.**

The signs described in this section are based on the legal use of the land on a particular parcel.

A. Theater Marquees. When allowed as an accessory to a legal use as a drive-in theater, a free-standing drive-in theater marquee sign shall not exceed 250 square feet in area or 25 feet in height. The sign shall maintain a 20-foot setback from all property lines. Each theater, drive-in or non-drive-in, shall be allowed to use changeable copy signs in addition to the signs permitted in the underlying zone. The area of the signs shall not exceed 60 square feet facing in any one direction, nor shall the total aggregate sign area exceed 150 square feet.

B. Service Station Price Signs. On each legally operating station selling fuels for motor vehicles, one service station price sign is allowed on each street frontage, subject to:

1. The maximum sign area shall be 15 square feet, and the sign shall not exceed five feet in any dimension. Such sign shall not be in conflict with the provisions of the city's traffic code relating to visual clearance. The sign shall satisfy the requirements of California Business and Professions Code Section 13531, and be posted with the correct prices at all times. The signs shall be designed as a permanent structure, rigidly attached to a building, wall, or adequately anchored in the ground to resist wind pressure as specified in CVMC Title 15 in the currently adopted uniform building code. A free-standing structure shall be architecturally compatible with the building and shall not exceed a maximum height of six feet.

2. A sign may be attached to a freestanding sign if designed to be architecturally part of the sign.

3. Price signs may be displayed on the main body of a pole sign but shall not exceed 25 percent of the main sign area or 15 square feet, whichever is the least amount.

4. Notwithstanding the above provisions, no price signs otherwise required by the provisions of Business and Professions Code Section 13531 shall be placed along the following areas which have been designated on the city's general plan as scenic corridors or historic preservation areas: that area along East "H" Street between its intersection with Interstate 805 and its intersection with Ridgeback Road.

C. Real Estate Signs. On any parcel or separately rentable portion thereof, sign(s) pertaining to economic transactions regarding the property (such as sale, rental, lease, exchange, etc.) is allowed, subject to the land owner's consent and:

1. Maximum Sign Area. Commercial and industrial zones, 32 square feet; agricultural zones, 32 square feet for undeveloped acreage of one acre or more, otherwise 4.5 square feet; residential zones, 4.5 square feet.

2. Height, If Freestanding. No freestanding sign shall exceed 10 feet in height in any commercial or industrial zone or in the agricultural zone for undeveloped acreage of one acre or more. In all other zones, the maximum height shall be limited to 4.5 feet.

3. Number of Signs. Through lots shall be allowed one sign on each street. Corner lots shall be permitted one sign only.

4. Setback. Freestanding signs shall maintain a 10-foot setback from all property lines.

5. Vacancy Signs. Real estate signs reflecting the vacancy status and availability of commercial or industrial space within a structure designed for multiple occupancy, whether through rental, sale or lease, shall be limited to a maximum sign area of 16 square feet. Not more than one sign may be used facing a dedicated street. The sign may be attached flat against the building or be part of a permitted freestanding sign if designed to be part of said sign and providing the total sign area does not exceed the area permitted for the freestanding sign.

6. Location. On the property to which the sign pertains, or on other private property with the consent of that property owner.

7. Open House Signs – Special Rules. Off-premises temporary real estate open house signs are allowed permitted within all residential zones subject to:

a. No more than five off-premises open house signs shall be allowed for each residential open house which occurs.

b. No more than one sign shall be allowed to be placed on any interior parcel and no more than two on a corner lot (one per street frontage).

c. Off-premises open house signs shall only be displayed during daylight hours.

d. Signs shall be no larger than four square feet and shall be located at minimum of three feet from the sidewalk or 10 feet from the curb or edge of pavement, where no sidewalk exists.

e. An off-premises temporary real estate open house sign shall only be permitted in conjunction with an open house held for the resale of one single-family residence.

f. Off-premises signs advertising the sale of more than one lot or more than two dwellings constitutes a subdivision directional sign subject to the regulations outlined in subsection (E)(3) of this section.

g. Off-premises open house signs are prohibited within the public right-of-way.

D. Residential Neighborhood Identification Signs. Permanent residential identification signs designating the name of the residential area may be located at an entrance to the residential area when homeowners' association or maintenance district is formed to ensure the maintenance of the signs. The copy area of the sign shall not exceed 15 square feet. The sign structure shall be designed to be architecturally harmonious with the residential area. This provision does not authorize the mounting of such signs on city owned property or on public rights-of-way.

E. Tract Housing. Tract housing signs shall be allowed in any zone of the city as follows:

1. Model Homes. For each model home, signage not exceeding 12 square feet in area, eight feet in height, and two in number is allowed. Commercial speech thereon shall relate to the model on the same parcel. All such signage shall be permanently removed within 10 days of when the model home ceases to be used as a model.

2. Temporary Tract Signs. For each subdivision there may be one sign at each principal entrance to the subdivision; such sign may be indirectly illuminated, and any commercial message thereon shall relate only to the dwelling units or lots on the same premises as subdivision on which the sign is maintained. For subdivisions with five or more lots, the total combined area of all temporary tract signs may not exceed 200 square feet or

20 feet in height. For subdivisions with four or fewer lots, the total combined area of all temporary tract signs may not exceed 32 square feet, and no such sign may exceed eight feet in height. All such signs shall be permanently removed not later than 10 calendar days after the first sale of all the homes in the subdivision.

3. Subdivision Directional Signage. Signs indicating a change of direction which travelers must make to reach a subdivision located within the city may be placed on private property, with the owner's consent, at each place where such change of direction is needed, within five miles of the subdivision. Individual signs may not exceed four and one-half square feet in area or three and one-half feet in height, and may not be illuminated. Individual signs may be single- or double-faced, or V-shaped if the angle between the two faces does not exceed 45 degrees. Commercial messages thereon shall be limited to the name of the subdivision and directional information. The zoning administrator may require written evidence of owner's consent. Permits for all such signs shall expire not later than six months after issuance, but the zoning administrator may grant a maximum of two extensions of up to one year each, without renotification or hearing. Such signs may be displayed only until the developer has completed the sale of each unit in the development.

F. Signs for Unclassified Uses. Whenever sign standards or provisions have not been established for an unclassified use requiring the issuance of a conditional use permit, the planning commission may establish sign standards and provisions concurrently with the approval of the conditional use permit. However, such standards must comply with and incorporate all of the standard provisions of CVMC 19.60.050.

G. Mansard Roofs. A principal identification or multiple copy wall sign may be placed on a mansard roof subject to the following:

1. The sign shall not exceed one-half the length and width of the mansard on which it is placed;

2. The area on which the sign is placed shall be designed to accommodate the sign except when cut-out letters are used.

H. Pitched Roofs. A principal identification or multiple-copy wall sign may be placed on a pitched roof subject to:

1. The sign shall be placed on a pitched roof that slopes toward the street the establishment is oriented to;

2. No sign may be placed on the ridge of the roof;

3. No sign may project above a line drawn from the center of the street to the ridge of the roof;

4. The sign shall set back a minimum horizontal distance of three feet from the front edge of the roof;

5. The length of the sign shall not exceed one-half of the length of the roof and shall be horizontally centered;

6. The area shall not exceed two square feet per lineal foot of roof on which the sign is placed;

7. The ends of the sign shall extend back to the roof to form an enclosure.

I. Agricultural Uses. Signs for agricultural uses are allowed in any zone, subject to the following:

1. Multiple wall signs facing a dedicated street are allowed, but the total sign area of all wall signs shall not exceed one square foot for each lineal foot of building frontage; in addition

2. One freestanding sign not exceeding eight square feet in sign area and 10 feet in height shall be allowed.

J. Architectural Appendages. In lieu of a freestanding or projecting sign which is otherwise allowed, a sign may be placed on an architectural appendage. Such sign may not exceed the area or alter the appearance of an appendage on which it is placed, and may not exceed the allowable area of the freestanding or projecting sign which it is replacing.

K. Temporary Noncommercial Signs During Certain Periods. In addition to signage otherwise allowed in any zone, during the period of four calendar months preceding any scheduled election and up to and including 10 calendar days following such election, temporary signs bearing noncommercial messages (including but not limited to messages on the topics of politics, religion, science, arts, philosophy, etc.) may be displayed on private property (not including private property which is also public right-of-way), without permit, subject to the owner's consent, and also subject to:

1. In agricultural and residential zones:

- a. No sign may exceed five square feet in area.

- b. Double-faced signs as defined in this chapter are permitted.

- c. No sign shall be posted in such a manner that any portion of said sign is within five feet of the house side of the sidewalk and, if there is no sidewalk within 15 feet of said sign, then 15 feet from the house side of the street curb. Said signs must be placed at least five feet from the house side

of intersecting sidewalks or if there are no sidewalks, then 15 feet from the house or back sides of intersecting curbs. Unless a further setback is required by the foregoing rules (as in the case of corner lots adjacent to intersecting streets), said signs shall be located at least five feet from side property lines except for lots located at intersections.

d. No sign shall exceed three and one-half feet in height in the front setback area, and such signs shall not exceed six feet in height in any area unless said sign is attached flush to any building. The measurement shall be taken from the ground level to the top of said sign.

e. No sign may be affixed to an already existing sign.

f. Nothing in this section shall be construed to render a property owner liable for the posting of a sign on his or her property.

2. In commercial and industrial zones:

a. No sign may exceed 12 square feet in area. Double-faced signs as defined in this chapter may be permitted.

b. No sign may be affixed to an already existing sign.

3. Removal. The procedure for the removal of temporary noncommercial signs is as follows:

a. Notice. The director shall give 24 hours' notice to the owner of the sign (if known), of the city's intent to remove any unauthorized temporary sign bearing a noncommercial message. The notice shall specify the provision of the sign ordinance being violated, and shall inform the owner that removal charges will be assessed. The owner may, within 24 hours of receiving notice, request a hearing before the director to appeal the decision to remove the sign. If the owner so requests, the sign shall not be removed until the hearing has been held and a final decision rendered. If the owner cannot be identified or located after reasonable effort, the sign may be treated as abandoned property and removed.

b. Appeal and Removal. In the absence of an appeal of the removal decision, the sign may be removed by the city and the reasonable cost thereof charged to the sign owner and/or persons responsible for placing the illegal sign. Such cost shall be set by resolution of city council.

L. Informational Signs. The signs allowed by this subsection fulfill informational and directional needs.

1. Directory Signs. On buildings wherein are located several different establishments, directory signs may be located on an exterior elevation of a

building if the directory is placed flat against the building at or near a building entrance or area restricted to pedestrian traffic only. The sign shall be no more than 10 square feet in area and five feet in height.

2. Directional Signs. Signs containing directional information for pedestrian and vehicular traffic may be used subject to the following:

a. Maximum sign area is 10 square feet;

b. No sign may exceed 10 feet in height;

c. Directional rooftop signs are prohibited except when incorporated into the design of an approved rooftop sign designed to accommodate the sign;

d. The signs shall not be attached to any light standard, flag pole, or onto any other sign except as provided herein;

e. The number and location of all directional signs shall be limited to the least number to provide ample notification.

3. Warning and Instructional Signs. Warning and instructional signs, such as "beware of dog," "danger high voltage," "no trespassing," "no dumping," etc., are allowed subject to:

a. Area: Maximum three square feet;

b. Height: If freestanding, maximum six feet;

c. Attachment: May not be attached to any light standard, flag pole, or any other freestanding sign. (Ord. 2924 § 2, 2003).

### 19.60.700 Signs permits.

A. Permits – When Required. No person except a public officer or public employee in the performance of an official duty shall paste, post, paint, print, nail, tack, erect, place or otherwise fasten, or maintain or permit any sign, pennant or notice of any kind, facing or visible from a public street, public or private right-of-way in the city except as provided herein. To ensure compliance with this section, a sign permit shall be required for any sign, except as provided herein. The procedure regarding application for and processing of sign permits, as well as the procedures for the appeal of decisions thereon, is set forth beginning with CVMC 19.60.800.

B. Purpose of Permitting. All permitting and approval processes required by this chapter are intended to ensure compliance with this chapter and various safety codes, as well as to prevent the loss of time, effort and materials which might otherwise be invested in an illegal sign.

C. Exempt Signs. The signs described in this subsection are not subject to the permit require-

ment, and do not count towards the total signage which is otherwise allowable.

1. Signs described in other sections of this chapter as not requiring or being subject to the permit requirement.

2. Street address signs not exceeding three square feet in area total per parcel.

3. Symbols or insignia which are an integral part of a doormat or welcome mat, or embedded directly into the sidewalk or entrance surface, so long as such device is otherwise legal and is located entirely on private property and on the ground or sidewalk.

4. Signs used in conjunction with "special events" as defined and regulated by CVMC 19.58.370 and 19.58.380.

5. Any public or legal notice required by a court or public agency.

6. Signs authorized or required by another body of law.

7. Flags displaying noncommercial images; provided, that the total area (one side only) does not exceed one percent of the square feet of surface area of the parcel, the number of flag poles on a parcel does not exceed one per 100 linear feet of street frontage, and the height of any flag pole does not exceed 30 feet.

8. Construction signs which meet these requirements: maximum number per project under construction: one; maximum area: 150 square feet; maximum height (if freestanding): 25 feet; minimum setback: 10 feet from all interior property lines; maximum display time: from the time a grading or building permit is issued and remains valid and unexpired, until the construction project is completed or abandoned.

9. Hand held and portable signs that do not display a commercial message and are otherwise legal or allowed under this chapter.

10. Mass Transit Signage. Advertisements or banners mounted on trains or duly licensed mass transit vehicles that legally pass through the city.

11. On-site informational signs not viewable from the public right-of-way or adjacent properties.

12. Off-site directional signs located wholly on private property.

13. Professional signs not exceeding one square foot in area and located wholly on an appurtenant commercial building.

14. Window signs which otherwise comply with all applicable regulations.

15. Temporary noncommercial signs which otherwise comply with all applicable regulations.

16. Real estate and open house signs which otherwise comply with all applicable regulations.

17. Garage sale signs that comply with CVMC 5.32.050.

18. Messages relating to the business of which the vehicle or vessel is an instrument or tool (not including general advertising) and messages relating to the proposed sale, lease or exchange of the vehicle or vessel.

19. Interior Signs. Signs or other visual communicative devices that are located entirely within a building or other enclosed structure and are not visible from the exterior thereof, provided the building or enclosed structure is otherwise legal. (Ord. 2924 § 2, 2003).

#### **19.60.800 Permit applications.**

The application for a sign permit shall be made in writing on the form provided by the planning department and shall be accompanied by any fee established by city council resolution. Such application shall set forth and contain the following information and items:

A. A drawing to scale showing the design of the sign, including dimensions, sign size, colors (applies to commercial message signs only), materials, method of attachment, source of illumination and showing the relationship to any building or structure to which it is proposed to be installed or affixed or to which it relates.

B. A site plan, including all dimensions, drawn to scale indicating the location of the sign relative to the property line, rights-of-way, streets, sidewalks, vehicular access points and existing buildings or structures and off-street parking areas located on the premises.

C. The number, size, type and location of all existing signs on the same building, site or premises.

D. Any structural information and plans necessary to ensure compliance with the latest adopted building standards.

E. Such other information as the planning department may reasonably request to determine that the proposed application is in full compliance with the provisions of this chapter, the city code and any other applicable law. The message proposed to be displayed on the sign is not required.

F. Proof of the consent of the property owner or other person in control or possession of the property. For example, if the subject property is leased and the applicant is the lessee, the lessee must demonstrate that the sign complies with all provisions

of the lease related to signage, or submit a written landlord's consent. (Ord. 2924 § 2, 2003).

### **19.60.810 Processing of applications.**

A. Time. Unless otherwise stated, all time periods in this section are calendar days.

B. Completeness. The zoning administrator shall determine whether the application contains all the information and items required by this chapter. If it is determined that the application is not complete, the applicant shall be notified in person or in writing within 30 days of the date of receipt of the application that the application is not complete and the reasons therefor, including any additional information necessary to render the application complete. The applicant shall then have 30 calendar days to submit additional information to render the application complete; failure to do so within the 30-day period shall render the application void. Within 30 days following the receipt of an amended application or supplemental information, the planning director shall again determine whether the application is complete in accordance with the procedures set forth in this subsection. Evaluation and notification shall occur as provided above until such time as the application is found to be complete (the "application date").

C. Disqualification. No sign application will be approved if:

1. The applicant has installed a sign in violation of the provisions of this chapter and, at the time of submission of the application, each illegal sign has not been legalized, removed or included in the application;

2. There is any other existing code violation located on the site of the proposed sign(s) (other than an illegal or nonconforming sign that is not owned or controlled by the applicant and is located at a different business location on the site from that for which the approval is sought) which has not been cured at the time of the application;

3. The sign approval application is substantially the same as an application previously denied, unless: (a) 12 months have elapsed since the date of the last application, or (b) new evidence or proof of changed conditions is furnished in the new application; or

4. The applicant has not obtained any applicable required use permit or conditional use permit.

D. Method of Review. The method of review is standard compliance review. The zoning administrator, or the design review committee, planning

commission or city council on appeal, shall determine whether approval shall be granted for any sign based on its conformance with the regulations and design standards set forth herein and in the city design manual, without consideration of the graphic design of the copy or message displayed on the sign.

E. Certain Signs Calling for Design Review. Decisions under this standard shall be guided by the following principles and shall not be based on the graphic design of the copy or message displayed on the signs:

1. Fluorescent paints shall be avoided;

2. Sign copy should not extend beyond the edges of the background area on which it is applied;

3. The copy area of signs, including logos, emblems, crests and pictorial representations, should not exceed 50 percent of the background area on which it is applied;

4. The height of a pole sign should not be less than twice its width;

5. The height of the bottom of the signboard of a pole sign should be less than three times but more than twice the width of the signboard;

6. The two sides of a rectangular pole sign should have a ratio of three to five;

7. The base of each freestanding sign shall be landscaped in accordance with the landscaping manual of Chula Vista, without consideration of the graphic design of the copy or message displayed on the sign.

F. Decisions. Where an application is denied by the zoning administrator, or the design review committee, planning commission or city council on appeal, the applicant shall be informed in writing of the changes necessary in order to approve the application. If the applicant chooses to amend the application to reflect said changes, the zoning administrator shall grant the permit within 30 days of when a complete and conforming application is submitted.

The zoning administrator shall render a decision on a sign permit within 30 days of the date of application.

G. Appeals. All sign permit applications shall be initially reviewed by the zoning administrator. The applicant or any concerned person may appeal any sign related decision in this order: design review committee, planning commission and city council. In each case, written notice of appeal must be filed with the city clerk within 10 days of when the decision was delivered or sent to applicant and all known concerned persons, or the last day on



which a decision could have been timely rendered. In each case, the appellate body must conduct a hearing and consider evidence, and render a written decision within 30 days. In the cases of appeal to the planning commission and the city council, the hearing must follow normal procedures for agendaing and giving public notice. Unless time is waived by the applicant, any permit or approval on which the city does not render a definite decision within the required time shall be deemed denied, and the time for appeal or filing judicial review shall commence on the last date on which the city could have issued a decision.

H. Judicial Review. Following final decision by the city council, any concerned person may seek judicial review of the final decision on a sign permit application pursuant to California Code of Civil Procedure Section 1094.8.

I. Multiple Sign Applications. When an application proposes two or more signs, the application may be granted either in whole or in part, with separate decisions as to each proposed sign. When an application is denied in whole or in part, the director's written notice of determination shall specify the grounds for such denial.

J. Revocation or Cancellation. The director shall revoke any approval upon refusal of the holder thereof to comply with the provisions of this chapter after written notice of noncompliance and at least 15 days' opportunity to cure.

K. Permits Issued in Error. Any approval or permit issued in error may be summarily revoked by the city upon written notice to the holder of the reason for the revocation. (Ord. 2924 § 2, 2003).

#### **19.60.900 Removal of certain signs.**

A. Obsolete and Abandoned Signs. All signs relating to a product no longer available for purchase by the public and all signs relating to an establishment which has closed or moved away shall be removed, together with any supporting structures and bracing not considered an integral part of the building. Painted wall signs shall be painted over with a color that closely resembles or matches the color of the wall. If the owner of, or persons responsible for, the sign, or the tenant closing the establishment, fails to remove or paint over the sign, the owner of the premises shall be responsible and the work shall be done within 90 days following the date of obsolescence.

B. Charges for Moving, Removal, Correction of Sign. The fees for the city moving, removing, correcting, storing, or doing work on a sign or sign structure shall be the required fee(s). The city may

charge the fees against any of the following, each of whom shall be jointly and severally liable for said charge:

1. The permittee;
2. The owner of the sign;
3. The owner of the premises on which the sign is located;
4. The occupant of the premises on which the sign is located.

C. Storage of Removed Signs – Time Limit – Recovery Procedure. A removed sign shall be held not less than 30 days by the city during which period it may be recovered by the owner upon payment to the city of the required fee(s) as set by resolution of city council. If not recovered within the 30-day period, the sign and supporting structures shall be declared abandoned and title thereto shall vest in the city. The fees may be in addition to any penalty for the violation, and recovery of sign does not necessarily abrogate the penalty. (Ord. 2924 § 2, 2003).

#### **19.60.930 Amortization of nonconforming on-site signs.**

All on-site signs in any zone constructed and erected prior to the effective date of the ordinance codified herein, or any prior ordinance under which they were also nonconforming (considering only the noncommunicative aspects of the sign) pursuant to the issuance of a valid building permit issued by the city, which do not conform to the requirements of the provisions of this title for the particular zone in which they are located or in regard to design review requirements, shall be allowed an amortization period of 15 years from the effective date of the earliest ordinance under which they were nonconforming, and shall thereafter be subject to abatement and removal as provided.

A. Notice. Any owner of a nonconforming sign at the expiration of 15 years from the effective date of the ordinance codified herein shall be noticed of the nonconformity of the display. Ownership shall be determined by the ownership of the property as shown by the most recent assessor's tax roll. Should any owner wish to appeal the removal of any nonconforming sign based upon the reasonableness of the 15-year amortization period, such appeal shall be done in accordance with subsection (D) of this section. Removal of the sign shall be stayed until such time as an appeal is finally decided by the city council.

B. Appeals Procedure. Any appeal from an order to remove a nonconforming sign which has

used up its amortization allowance may be appealed through the same procedure as an appeal of a sign permit application. In the case of fully amortized nonconforming signs subject to a removal order, the appeal shall state and provide evidence of:

1. A detailed description of the sign or structure, the method of its construction, its measurements and the message contained thereon;
2. The name of the owner or owners of the property upon which the sign or structure is located;
3. A definition and term of the appellant's right to locate and/or maintain the sign or structure on said property. Include amount paid, if any, for the right to locate and/or maintain the sign or structure;
4. The date and cost of original construction of the sign or structure;
5. The date and cost of appellant's purchase of the sign or structure;
6. The date or dates and cost of major repairs to the sign or structure;
7. The average monthly gross income derived from the proceeds generated from the sign or structure, measured over the period of existence or ownership;
8. The current net value of the sign or structure as carried on the books of the company, as well as any estimate of current fair market value (including the qualifications of persons making such estimate, and the basis therefor);
9. Each application on appeal shall be verified. (Ord. 2924 § 2, 2003).